2.0415
85g

THE UNIVERSITY

OF ILLINOIS

LIBRARY

From the collection of
James Collins,
Drumcondra, Ireland.
Purchased, 1918.

352.0415
D85g

THE

CASE OF THE CITY OF DUBLIN.

THE

SPEECHES

DELIVERED BY COUNSEL

Great Britain.

AT THE BAR OF THE HOUSE OF LORDS,

IN

DEFENCE OF THE CITY OF DUBLIN,

ON THE MOTION FOR GOING INTO COMMITTEE ON THE

Irish Municipal Reform Bill.

DUBLIN:

PRINTED BY GEORGE FAULKNER,

Printer to the Hon. the City of Dublin.

1840.

352.0415
D85g

29 apr, '25 amm.

SPEECHES,

&c. &c.

HOUSE OF LORDS,

Thursday, 14th May, 1840.

The order of the day being read for the house to be put into committee on the bill, intituled "An Act for the regulation of Municipal Corporations in Ireland," and for counsel to be heard, and for the lords to be summoned, counsel were accordingly called in, when Sir CHARLES WETHERELL and Mr. BUTT appearing as counsel against the bill, Sir CHARLES WETHERELL proceeded as follows :—

MY LORDS,

I have the honor of attending your Lordships upon this occasion as counsel for the Corporation of the City of Dublin. By your lordships order, the city having presented a petition against that part of the present bill

403710

which relates to them, have received permission to be heard by counsel. Individually, I regret much that that duty, for which their kind partiality has made a selection so flattering to me, did not devolve on some other person more capable of doing justice to their cause. For, as the subject relates to matters with which, personally, I am little acquainted, involving opinions, questions, sentiments, and feelings, whose source and connection is with the sister kingdom, or rather which have their locality and being in a town of the sister kingdom, it had been better—in all truth and sincerity I say this—it had been better for the interest of my clients that these duties had devolved on some one whose residence in the city for which I plead, might have given him greater accuracy of detail, and a more copious knowledge of whatsoever bears on this most important question, than an advocate acquainted with these topics only in the way of his professional engagements can hope to bring. I can, therefore, say, my lords, with sincerity, that I regret deeply the corporation of Dublin did not entrust their cause, or so much of it as has been placed in my hands, rather to some Irish barrister.

I have said enough, I think, to show *in limine*, that there must be many parts of this subject, which I cannot understand as accurately as an Irishman would, and that there are parts of it upon which I cannot feel with Irish feeling. Your Lordships will, therefore, see un-

der what disadvantages the cause labours, and how great is the deficiency of him who now addresses you: were it not that I am no stranger to your Lordships' bar, it could not be, but that under such circumstances I should feel solicitously anxious; but frequent experience has taught me how complete a protection your wisdom extends over the client from the weakness of his advocate, so that the subject now under discussion will be investigated as comprehensively and impartially as it would have been, had all the advantages of advocacy it were possible to conceive been brought to assist.

My Lords, the city of Dublin, in their petition, contend, that whatever be the principle which it is the pleasure of this house to establish with respect to the change and alteration of other corporations in Ireland, they, the city of Dublin, ought to be excepted from the operation of the present bill. The city of Dublin in effect say to the house—legislate as you think fit for other corporations according to the proposed model of the present measure, but do not legislate for us upon that model. Abolish other corporations; change them, mutilate them, detrunk them, deface them, bury them with a chance of resurrection, put an end to them at once, or put them into purgatory, do with them what you will; but with respect to this, the corporation of the metropolis of Ireland, leave us as we are, or at

least do not alter our constitution in the mode and manner proposed in the provisions of the present bill.

My Lords, this is in strictness the topic upon which I have to address you, and I have every wish, as I naturally should have, to confine myself within the fair circle of argument belonging to that topic. But it must be obvious to your Lordships that, in deciding on the fitness and propriety of the proposed municipal changes, it is indispensible to take into account their fitness and propriety when considered in relation to the religion of the state; their fitness and propriety when measured by the principles on which is based the constitution of England; their fitness and propriety when tried by the test of their efficiency towards the purpose of preserving inviolate the union between this country and Ireland. It must, I say, be apparent to your Lordships that in discussing the particular case of the city of Dublin, I cannot avoid in some degree adverting to the general topic to which I have last alluded.

The first point to which, in the prosecution of my humble address, I would call your Lordships' attention, is the present constitution of the corporation of Dublin. They consist of a mayor, of two sheriffs, of twenty-four aldermen, and of 144 common councilmen. The common council of the city of Dublin are

elected by the twenty-five guilds; they return, each a certain number, which, united, compose the total of 144. They elect them and return them as component parts of the corporation of the city of Dublin; but the twenty-five guilds which return them are separate and distinct corporations, resembling, in effect, the companies in the city of London. Your Lordships know that the companies of the city of London have each of them their separate charter, totally independent of the city of London. In London the common councilmen composing the governing part of that corporation, are elected in wards, by an election totally independent of the companies. There is a ward election of the common council, and they, with the aldermen, compose the governing part of the corporation. In Dublin there is this peculiarity, namely—that the common council are not elected, as in London, upon the principle of a separate election, though this principle is common to both, namely, that no one can be returned as a common councilman who is not a freeman of one of the companies. In London, however, the election of common councilmen is totally independent of the freemen. In Dublin the common councilmen are returned by the guilds, each returning to the corporate body its quota of the number. The merchants return a larger number, the joiners a smaller, and so on, but each however small, sends its quota to the common council of the city: these guilds admit freemen.

My Lords, such is the existing corporation of Dublin, which, as I before stated to your Lordships, consists of a mayor, two sheriffs, twenty-four aldermen, and 144 common councilmen. According to what I have stated, it is obvious that no person can be returned to the city of Dublin to become a member of the common council, unless he is a freeman. The principle of the present bill is to take away that principle of constituting the common council of the city of Dublin, and to substitute in its place a principle founded upon analogy to the late parliamentary franchise, namely, an elective principle founded upon a certain amount of property. This, my Lords, is, perhaps, the most important, indeed the essential change proposed to be introduced by the present bill.

My Lords, the city of Dublin, thus composed, as I before stated, has in addition to that, about 4000 freemen. It has various officers belonging to it, some of whom hold offices in the corporation, and various other persons connected with, and employed under, that corporation.

My Lords, according to this scheme, as your Lordships must anticipate, the governing part of the corporation must emanate from the inferior guilds; a man must be first a freeman; this dignity he attains in Dublin in the ordinary modes, by birth or servitude. Af-

ter reaching this station, he is eligible for promotion to the body of the common council; from thence he may ascend to the aldermanic offices, and finally to the highest in the corporation, that of mayor. It must be obvious to your Lordships, that an election of this sort cannot be called a very narrow election; there is nothing of the close borough about it; on the contrary, it is a very open election; pretty nearly as open as that in the city of London, which has been left in the English Municipal Bill an excepted case. The similar body in Ireland, the corporation who constitute the governing body of the metropolis of Ireland, contend, that, supposing it is desirable to alter other corporations in Ireland, the metropolis ought to stand an excepted case from the act. In contending for this exception, they have a "precursor"—it is an Irish phrase, and therefore in more senses than one germane to the matter—they have a precursor of their claim in the case of the London corporation. I cannot conceive—I never have met any one able to give—a reason or shadow of a reason, why the metropolis of England should escape the English corporation bill, and the metropolis of Ireland not receive a like exemption from the Irish. I cannot understand by what principle of equal justice you will, in cases precisely similar, apply two wholly different, two diametrically opposed, rules of conduct.

My Lords, such is the general scheme of the corpo-

ration as it now stands. The scheme of the corporation proposed, which now awaits your decision, is to reduce the number of the common council. On this it is not worth while to say a word; it matters not much whether they consist of 144 persons or 105. Then it settles the number of aldermen at fifteen, and these, with the common councilmen, are to make up in all 105. The principle of the present bill is to abolish the present mode of electing through the body of freemen, and to substitute another mode in its place, namely, election through the medium of persons qualified by inhabitancy. The bill indeed leaves to the freemen of Dublin the parliamentary franchise, and allows them to vote for members of the House of Commons. It says to them, You shall vote for the members for Dublin, but you shall have no longer a vote for any of your municipal body, unless you happen to possess, in point of residence, in point of occupation, and in point of property, those elements of the elective franchise which are to be introduced by the present bill.

My Lords, this is, in a few words, a statement of the scheme of the corporation, as it at present exists, and the scheme of the corporation as it is proposed that it shall exist hereafter. In order to carry that scheme into effect, the present bill proposes to abolish so much of the present charters, laws, and usages of the corporation of Dublin as, essentially involved with the old scheme, must be abolished, in order to let in the new.

Now, my Lords, such being the general features of distinction between the two; such being the general principle of the old corporation, namely, eligibility from the body of freemen; and such being the principle of the new corporation, namely, eligibility from the rated inhabitants; such being the present state, and such the intended change, it is my wish, and it will be my endeavour, in the course of these remarks, to examine how far such a principle is conducive to the interests of the city of Dublin; how far conducive to all the other interests of this great empire.

Let us, my Lords, consider, first, what it is that the general scheme of the bill proposes. In the first schedule there are introduced eleven corporations: Dublin I am concerned with; I have nothing to do with the other corporations; still I cannot help adverting to them when I am alluding to the case of Dublin, for Dublin is scheduled with various other companions. It is inmated, if I may so express it; domiciled, if I may so express it; householded, if I may so express it, with ten other corporations. For the sake of argument I am willing to grant the measure correct as to the other ten in the first schedule; but that is no reason—it does not in the stightest degree tend to create any thing like a reason why Dublin should share the same fate as Belfast, Clonmel, Cork, Drogheda, Galway, Kilkenny, Limerick, Londonderry, Sligo, and Waterford. Appearing here for the city of Dublin, as their

individual counsel, I have nothing to do with the shipwreck which may be made of those bodies. Whether they are swamped or sunk, or whether they have been under water, and by some process come to life again, it matters not. The other ten towns are nothing to Dublin, and Dublin is nothing to them, save and so far as they, being parts of Ireland and Great Britain, are anxious for the well-being of the community, and therefore, for the preservation of the Dublin corporation. Indeed, in one sense, I may assert, that the case of Dublin is the case of every other corporation, inasmuch, as it is made a model for the reform of every other. Those who have been fortunate enough, after days of labor, and weeks of labor, to understand this bill, cannot fail to have seen that such is this case, that is so far as any thing can be seen in the sort of darkness visible suspended over the provisions of this very unintelligible enactment. I cannot then separate their case from that of Dublin, because they and Dublin are in the same batch, in the same lot, members of one class, so that, what is the fate of one, must be the fate of all, and what is the fate of all, must be the fate of one.

The whole intent, aim, and object of this bill, is the spoliation and plunder of the property and rights of these eleven corporations. Under the name of reform, this, the real design is hidden. I say, disguise it as they may, and as they seek to do, this is the meaning

of the whole of the proposed changes; this the meaning of abolishing the guild and freemen system; this the meaning of establishing the ten pound principle of voting; a principle which is now nearly a five pound franchise; nay, which I will engage to show may come down to a five shilling principle of voting. I say, the whole is one scheme of plunder, and lest the work of destruction might not go on fast enough, a pauper constituency, a constituency without any stake in the well-being of the community; a constituency not influenced by that feeling which now operates on the guilds; that feeling which is far nobler and more beneficial than self-interest; the feeling that their rights were inherited as a trust, a privilege, the highest of honors, and as such, are again to be transmitted; a constituency, such as I have described, the mere excrescence, not the natural or wholesome growth of the soil, are given the whole power and authority; a power and authority arbitrary, uncontrolled, and oppressive beyond any known to history.

The corporation of Dublin, as your Lordships are very well aware, is a protestant corporation. I have heard it objected that a protestant corporation is too exclusive; I shall by and by show that if exclusiveness is the vice of the present corporation—and here I beg it to be understood, that I do not undertake to argue the abstract proposition, whether exclusiveness is a vice or not—but taking for granted that it is, and that

this is a valid objection to existing corporations, then do I pledge myself to demonstrate clearly, and to the conviction of all, that the proposed new corporation will participate equally in that criminality. That part of my argument, however, I beg leave for the present to postpone.

My Lords, the second schedule consists of thirty-seven corporations; they are not all corporations; many of them are, but some are not. Such then as are corporations in actual existence and operation, are by this very strange, very anomalous, very unintelligible bill, put into a most extraordinary predicament. They are, *pro hac vice*, to be suppressed as corporations; they are no longer to act; they are swamped—but not for ever. They are indulged with the hope of being hereafter revived; perhaps it is not correct to borrow a religious term for a civil object, but there is none in the whole language so well expresses the state in which they are placed, as that so well known to their new constituency—purgatory. They are then, I say, put in purgatory; not quite damned, but next door to it; rather uncomfortable to be sure, but not quite so wretched as they might be. On petition from the majority of their inhabitants, when those inhabitants once reach the number of three thousand, the Queen is empowered to re-establish them according to the Apollo Belvidere sort of model which the new Dublin corporation is expected to present. So much

for the second class. Then comes a schedule of twenty corporations, finally, irrecoverably, for ever abolished, cast down, or rather wholly expurgated from the face of the earth. So that this reforming measure; this measure for the abolition of exclusiveness; this measure for the extension of municipal advantages and privileges to as many as possible, exterminates twenty; consigns to a sort of existence, neither life nor death, thirty-seven, and allows just eleven to survive. But let us confine ourselves to these eleven. Exclusiveness, we are told, is an odious, execrable, rapidly to be swept away sort of thing. The eleven corporations, as they now exist, are exclusive, therefore, they must perish. Above all, the Dublin corporation is exclusive. Let us see which will be first, with pickaxe and spade, in the work of demolition. It is exclusively protestant! Can any thing be more monstrous! Two such evils in any one place! Two such hateful things combined, within one political body! Be it so, I will not dispute—I will not delay my time or your Lordships, in considering this question of exclusiveness; how far it was beneficial, how far it was necessary, demanded by the circumstances of the times, and intended in their first constitution by their founders. But I ask, if this same exclusiveness be such a dreaded monster, how comes it we never hear any indignation against it when practised by the other side. All parties admit—I never met, I never heard of any one who did not admit the new corpora-

tion will be overwhelmingly popish. Are we then to conclude protestant exclusiveness an evil, and catholic exclusiveness a blessing? It seems the sin of the present corporations is not their exclusiveness but their protestantism. The vice is not in the system, but in the way in which it operates.

My Lords, this may do for the vulgar, for the ignorant, for the deluded followers of democratical ambition, but only the last audacity could hope to palm such sophistry on the peers of England. They—the protectors, the appointed, sworn protectors of a protestant church—the servants of a monarch, whose crown was won for her family by that revolution which England delights to honor with the lofty appellation of glorious—they are required to condemn and destroy the present constitution of the Dublin corporation, because its results are, that the mayor is protestant, the aldermen are protestant, the common councilmen are protestant, and at the same time that you thus condemn the present, to approve and institute in its room a system which will terminate in making the mayor catholic, the aldermen catholic, the common councilmen catholic.

I have thus called your Lordships' attention to the ground whereon our opponents think themselves strongest. I have shown you that their own assaults recoil against themselves; that what they pretend to

deprecate they secretly desire. They simply desire to alter the agents, not the system. And here it is, my Lords, that I confess myself wholly unable to discover on what reasons, or show of reasons, they hope to rest their case. They have themselves confessed exclusiveness an evil. Its being a catholic exclusiveness cannot render it less an evil. Certain I am, that there is a principle in the English municipal bill which can be so applied as to sanction these things; certain I am that this is not justice to Ireland. I say too, that when no such results would, by any chance, flow from the English franchise, as must inevitably from the same in Ireland, it is absurd to argue from the one case to the other. Exclusiveness could not arise in England; but it is the great calamity apprehended in Ireland. What analogy is there then between the instances, and why should Ireland be subjected to a system wholly inapplicable merely because it has been adopted on this side of the channel?

Saying so much, then, on exclusiveness, and the practice of such conduct by the framers of this bill, I come now to call your Lordships' attention to another operation of this bill. The bill, as I before stated, is drawn in such a manner, that many parts are not quite intelligible; and a most irksome work it is to travel through its 158 pages, and 214 clauses; but whoever has not, at his own loss of time and great inconvenience done so, will not understand its practical

operations. I must now beg your Lordships to look at page thirteen; first, however, I should premise that, on the abolition of the old corporate system, and considering the intent of the legislators, it is not unfair, nor can we with justice object to their taking away the election of the council by the guilds, and conferring the right of voting on the ten pound or any other householders. I say that, did this bill do no more than alter so much of the constitution of those twenty-five guilds as is necessary to accomplish the general purpose of substituting the new corporation instead of the old, I would not be justified in relying on this point. But if your Lordships look for a moment to page thirteen, you will find that it proposes, "that all the franchises, rights, trusts, powers, authorities, properties, and estates in the existing corporation shall be transferred to the new corporation." I was quite puzzled, when I read over the bill, to understand how or why those twenty-five guilds are to be suppressed. Why are their properties—why are their halls, in which they have their social parties, to be taken from them? Why should not these brother tradesmen continue to meet together, just as the companies of London meet? And here I must remark, how darkly, how subtilly all this is done. There is no recital in the bill, nor any explanation indicating it, until you call in the interpretation clause. This is a barbarous mode of legislation: one can be thus declared to mean two; any evil can be disguised; any injustice perpetrated under safe cover;

by it all distinctions of sex and arithmetic are annihilated; grammar mutilated, and language, deprived of its meaning, stands aghast! Common sense bids the scene perpetual adieu. But such as this bill is, come we back to it, and in the present instance come we to this same strange logic and reason-annihilating interpretation clause; and there I find, and there your Lordships will probably be very much surprised to find, that "corporate body" not only means a corporation, but that the corporate body of Dublin "shall be construed to include all guilds and fraternities of, within, or connected with such corporate body." Am I not justified, my Lords, in repeating that every clause, every provision, every definition of this bill is a charade, an enigma, a conundrum, or a dark lantern, which requires that you should read it and study it most anxiously in order to arrive at its construction and import. Now be it observed, that against these guilds, thus abolished, thus deprived of their property, and that in this secret, serpent-like, most Jesuitical manner—against these most aggrieved bodies not one syllable of evidence was received by the commissioners of corporation inquiry. I repeat, my Lords, that shameful as is the fate to which they are doomed, the mode in which it is to be inflicted, the poison hidden in something apparently harmless, aggravates the pain and the injustice also.

My Lords, I have alluded to the city of London:

only fancy a bill in parliament to alter the constitution of the corporation of London ; only fancy its companies used as the Irish guilds are in this bill ; but, my Lords, the London corporation is English, and the Dublin Irish ; the one is on this, and the other on the opposite side of St. George's Channel ; one domiciled on the Liffey, and the other on the Thames ; and for this, and for no better or other reason, the one is left and the other taken away. Is it to be expected that Ireland shall endure all this in silence and without indignation. Disguise it, palliate it, invent any and every plea, still must it be confessed this is gross injustice.

My Lords, I will conclude what I have to say on this subject by stating that the suppression of these guilds is utterly unnecessary ; I do not mean the suppression of their power as electors of the common council, but I mean their suppression as bodies for wholly different purposes ; no reason has been, or can be given, why their property should be handed over to the hands of the spoiler—the very last destination which those from whose munificence it was derived would have wished it to reach.

Having given so many specimens of the language and mode of legislation adopted in this bill, and of the loose and improvident manner in which, as it appears to me, this measure has been prepared ; I will go on

next to that which your Lordships will naturally look at as one of the principal considerations connected with this bill, namely, the principle of qualification. Who is to elect the common council, the governing body of the corporation, according to the model of the present measure? If your Lordships look to page eighteen of this bill, you will find the qualification stated. For three years the qualification is to be ten pounds; during the next three, any person occupying premises which are rated to the poor, will have a vote for the municipal offices. The ten pound is subject to a deduction for landlords' repairs, though I am told (I never was in Ireland) that they never repair houses, and for insurance against fire, insurance being very uncommon. This statement, my Lords, may be from my ignorance, but I am told that Irish providence does not quite extend to those things; however this may be, there is a reduction of £1 8s. for repairs and insurance, so that in effect, the franchise is reduced under the nominal sum of £10 to £8 12s.; these being, as I have said, a subtraction for insurance never made, and repairs never done; however, my Lords, let it be taken so. For three years the qualification of those to elect the common council of the metropolis of Ireland, is a *bona fide* qualification. I will say a *bona fide* inhabitancy of a tenement worth £8 10s.

That, my Lords is to last for three years, but what

is to become of it after three years? Your Lordships will permit me here to call to your recollection that you are establishing a model corporation for Ireland; not only a model for the corporations comprised in schedule A of the bill, but a model for any other corporations which may be hereafter established in Ireland; not only a principle for Dublin, but for the eleven mentioned in the same schedule, and hereafter for any corporations that at any time may be established. You are laying down a principle on which not only you are to establish corporations, but on which your children and those who in future may preside over this legislation are to establish corporations; nay, on which the crown is by implication bound to construct any to which, under the provisions for the towns of the third schedule, it may extend municipal privileges; on no other footing, according to no other plan, is there ever again to be a corporation in Ireland. And now, my Lords, bearing this, which adds so much to the weighty reflections connected with this bill, in mind, what, I ask, what is to be the qualification after the first three years have elapsed? My Lords, it is no small effort to steam through the clause at page eighteen, so long is it and so confused, but if you continue so to do, there you will find that after three years any person in Dublin who has any property rateable under the present poor law in Ireland; (the statute of the 1st and 2nd of Her Majesty's reign) any persons rateable under the poor law in Ireland at any sum, whether at

ten pounds or five pounds, or any definite sum in the lowest scale of the divisibility of property, and rateability following that divisibility, will become a burgess of the city of Dublin. My Lords, I assert that to be the meaning of the clause in page eighteen ; the 21st clause of the bill, which refers to the Irish poor law act of the 1st and 2nd of Her Majesty's reign : it states that persons so rateable shall be electors under this new bill. Your Lordships are aware, those particularly in this house who are either representatives from the sister kingdom—a representation which I hope will for ever continue, though there are those out of this house who are actively engaged in endeavouring to prevent its continuance—those representative peers of Ireland and others, who from property and other considerations, are locally acquainted with, and have taken a part, in constructing the poor law bill, are aware that, according to that bill, any property is rateable. It is true, that, in particular cases, there is a liberty where the value is lower than five pounds, to rate the landlord—and this mode is adopted in many places in Ireland. But any person who has *a right to be rated* under that statute will have a right to vote ; and I again repeat, a man subject to the payment of the rate on a ten pound house, or a five pound house, or the renter of a house worth five pounds, or any sum to which the divisibility of property can reduce the scale, has a right to be rated the proportion descending in the scale. Such is the necessary

consequence of the clause to which I am now calling your Lordships' attention. Rateability and rating are henceforth the sources of the elective franchise for the election of the governing body of the city of Dublin.

I will not here detain your Lordships further upon this subject, repeating that which I have before said, and which I have done with great sincerity, that I am making no statement which my own industry does not enable me to be satisfied is correct. I assert that to be the proposition of this bill. But, my Lords, it does not end there. A part of my labour has been to collate the Irish Municipal Bill with the English Municipal Bill, in order to see whether what is called equal justice to Ireland is or not equal justice. I have looked at the Municipal Bill for England, and I do not find in that bill such clauses as I find in this bill. For the English contemplates a separate occupation and a separate rating, whereas the fraternizing principle of this bill says, you need not be rated separately; you may all live together and still you shall have a vote. I do not assert that there may not be cases in which joint occupation may very properly give a joint right to both occupants; but I deny that it were wise to allow it to do so in the case of properties of the most inferior scale. If you look at this bill you will find two clauses in it, (I would particularly direct your Lordships' attention to clause 36,) under which joint

occupiers may claim to be rated, and under which joint occupiers may say to the landlord, "The poor law act enables the commissioners to rate you to secure the payment of the rate, but we, the tenants, will not consent to your being rated, that is, according to the theory of this bill." I am not quarrelling with this principle; I am only showing how it operates, to let in persons who have no property at all. With the theory of this bill I am not disputing, if you choose to follow it, and put it at the lowest scale of divisibility. I am not quarrelling with the principle of those clauses as applicable to the object of the bill. That object, it is perfectly evident, is the creation of universal suffrage. They may call it household suffrage; but I say that, under this joint tenantcy clause, it becomes universal suffrage. And is there one of your Lordships ignorant what is Irish universal suffrage? I repeat, that it is a most idle and vain thing to make distinctions where no distinctions exist. It is preposterous to say that, when the lowest degree of rating entitles to vote, and that, no matter how many share in the ownership or the habitancy of a house ever so low in the scale of rating, all of them are to have votes—it is preposterous to say this is not universal suffrage.

Pursuing the course of this bill, I shall next call your Lordships' attention to what the powers of the lord mayor are to be. This lord mayor, as your Lordships will find, is to be elected from the common

councillors, which body of the common council are to be composed according to the principle of household suffrage, or universal suffrage, to which I have alluded. The lord mayor is to be the judge to decide upon the rights of the freemen of Dublin. I need not remind your Lordships that the freemen of Dublin, of course, are deprived by this bill, as they must be for municipal purposes, of any vote within the municipality. They are not to have votes for the municipal body unless they have property, but their parliamentary franchise is preserved ; their parliamentary franchise being an object, as it is obvious, perfectly collateral to the municipal purposes of this bill. The lord mayor of Dublin is constituted by this bill a sort of court, with two assessors, and this court may insert or expunge the names of any voters they think fit for the first year after this bill has passed. During that year there is to be a lawyer to assist the lord mayor. After that year the lord mayor and the court of assessors are to be the judges of votes and matters belonging to their own *judicium;* not only matters belonging to the government of the city, but also judges of the parliamentary franchise. The bill directs that the assessors are to have a qualification, like that of the council, not over high—namely, being domiciled in a tenement of twenty pounds a year. I do not know how cheap houses are in Dublin. All I know is, that inhabiting a house, and being rated at twenty pounds a year, is all the qualification which

is requisite for the lord mayor, for the council, or for the assessors. They live probably, as our ancestors did formerly, in houses not of very great elegance of structure—a sort of primitive simplicity: patriots at deal tables and on three-legged stools. Even so, however, the rate is not as high as twenty pounds; for, deduct the repairs and insurance allowance, and the rent of the house will be about eighteen pounds a year. I shall say no more about it. It is quite consistent with the principle of this bill—with household suffrage amounting to universal suffrage. When this is the case, what is the use of arguing the matter? The lower I show the amount of qualification, the more I recommend the system to its advocates. I only wonder they did not elect them by a scale graduating down from beggary. Thus—the lord mayor, neither shoes nor stockings! the common council, one shoe and one stocking!! Really a very simple and admirable series of qualifications could be made out thus. But to say no more of this, and come to this court for trying the franchise.

This bill is to carry into effect good municipal government in Ireland. It professes to say, "Oh, we have nothing to do with the parliamentary franchise of the freemen." The parliamentary franchise is preserved to them. This bill affects to confirm and re-establish to them the enjoyment of that privilege. See, then, the very extraordinary manner it takes to

bring about this professed preservation: neither more nor less than subjecting the existing freemen to the scrutiny and revisal of this very odd sort of a court; giving a lord mayor and a barrister (very probably a briefless one) for the first year power, and after the first year the lord mayor and two assessors, whom from their qualification we will call eighteen-pounders, powers, absolute power to batter down the citadel of the freemen's parliamentary franchise. Yes, my Lords, the eighteen pound a year gentry are to revise, supervise, expunge from, insert in, play what fantastic tricks they like with the roll of freemen entitled to vote for members of parliament. Oh, most franchise-preserving, franchise-confirming, franchise-re-establishing bill!!

Can there be any doubt of the wisdom of these sapient assessors? Can any man doubt that, in these eighteen pound dwellings, they have learned contentment, impartiality and independence? So rich, what can ever induce them to sigh for more, or covet their neighbour's goods! so noble of soul, no privilege could awaken their envy! But I am not done with these assessors: I must take you to another part of this bill relating to them, and there I find, "that as soon after his election as conveniently may be, the assessor is empowered to appoint under his hand a deputy to act for him in case of his illness or incapacity to act at any election, or any revision of the burgess lists. And

every such appointment shall be signified by him in writing, under his hand, to the council." So then the court is to consist of the lord mayor and two assessors. But directly the assessor is appointed, he may be ill, or imagine himself ill, or imagine he will be ill, or sham to be ill, and then this eighteen pound a year enjoying, independent-minded and franchise-preserving assessor, *non academicoram*, sends in his name to the bursar, or dean, or what you will, and so down walks a deputy, who again may grow ill at the sight of franchise revision and supervision. Oh, admirable, impartial, well-chosen court, to revise the parliamentary franchise!

This is the way I understand these clauses. But indeed it were no wonder if I err altogether; for one part of this bill batters down another, and its graces, and its structure, and its whole tenor and composition, are such, that no man after any labour can tell whether he perfectly understands its operation or not. However, as I take it, and as far as I can see, the two assessors are cyphers. One of them says to the lord mayor, "I shall be ill." "When will you be ill?" "I cannot tell. I will be ill, may be, next week—but any time your lordship likes." Now I ought to observe that in the Anglo-Irish language the distinction between *shall* and *will* is not perfectly observed. There is a beautiful convertibility between them to their apprehensions, and so with several such

like shalls and wills—simpering and sighing, sighing and simpering, "When shall we three meet again!" the two assessors grow actually sick—sick of looking at the mangled remains of freemen's votes, sick of trouble, sick of tearing conscience, and their various misdoings, and forthwith they write out two proxies, and down come two deputies, to go through the same process of shall and will, mangling and sickening, departing, resigning, and proxying again.

My Lords, I point out this among many others as a specimen, an admirable specimen, in the frame and texture of this bill—a limb of this Apollo-Belvidere model. I have been told if a man were rejected unjustly, he may have a *mandamus* in the Queen's Bench to be admitted; but I have looked to this bill with much labour, and others have looked at it with some labour, and I am strongly of opinion, and they agree with me, that under this very extraordinary bill, the lord mayor, and the two assessors, or the two deputies, or the two deputies' deputies, have absolute power and are sole judges of the right of admission. For by a clause, which your Lordships will find in a subsequent part of this bill, namely, the *mandamus* clause, at page 30—though a *mandamus* is competent to any of the courts of law to compel a man to be admitted whom this lord mayor with his sham assessors has rejected, or a man whom the lord mayor with his sham assessors has expunged

from the list—though I say this bill does give to him a right of application to the common law courts for a *mandamus* to be admitted, there is another mode of fraud besides that of expunging, namely, by putting on persons who have no right to vote at all, and by putting on non-electors; and when I read this bill, if I were called upon as a lawyer to give an opinion whether it was in the power of the Court of Queen's Bench in Ireland, upon a *quo warranto*, to take a man off the list who was surreptitiously put upon it, I should have great hesitation in saying whether I thought the common law left them that power or not. However in this bill that question is left in a state of uncertainty in which it ought not to be. According to my construction of this bill, the lord mayor would have a right to admit upon the list, with these assessors present or absent, a person without any title to vote at all; and when admitted, a *quo warranto* would not enable the courts of law to strike him off. I will not, as a lawyer, pledge myself that that is the construction of the bill, but I think it is a construction that can justly be given it. May I direct your Lordships' attention to the following clause in page thirty, which I will read—"That after the passing of this act every application to the Court of Queen's Bench in Ireland, for the purpose of calling upon any person to shew by what warrant he claims to exercise the office of mayor, alderman, or councillor in any borough, shall be made

before the end of the term following next but one after the election of the person against whom such application shall be directed." It there seems by implication admitted that a man corruptly and unduly admitted, has no right to apply for a *quo warranto*. I have pointed out to your Lordships what, in my opinion, is the necessary construction of the act. I venture to state (and others have agreed with me,) that as this bill stands, the Lord Mayor of Dublin, with or without those coadjutors, is constituted an arbitrary court from whose decision no appeal rests in the case of his undue admission of electors, though there is a court of appeal for the undue rejection of any.

Now, my Lords, going on with the rest of this bill, it professes to contain a great many clauses that are drawn from the model of our own municipal bill, and among the rest, it contains a clause with respect to the offices and salaries. They are to appoint officers with salaries; there is a power to remove every officer in the city of Dublin, and to give him compensation; there is a power in the bill to create new officers, and the language of it is, that they are not to create new officers, "not usual in the corporation." A very strange phrase that, "not usual." According to my interpretation under those words, they may abolish the offices which exist, and appoint other offices of a similar description. If they appoint offices in breach of what is called "usual offices," the Lord Lieutenant has the power

to check them ; but I apprehend no man would be bold enough to assign to the word "usual" that perfect and distinct meaning which is to take away from it a discretionary character.

But, my Lords, be that as it may, there are in the corporation of Dublin various offices, to the amount of forty or fifty ; and there are various other persons who are employed as collectors, and in the lower mechanical and executive departments of the corporation, to the amount of upwards of 300. This large body of persons "employed," to use a common term, under the corporation, may be by this bill suppressed, every one, and being suppressed, the officers may be, as I shall presently point out to your Lordships, peopled by the substitution of Romanists in every office. In other words, every officer in that city—every man from the highest to the lowest—the Recorder alone being excepted ; with his single exception, every person in every office, in every situation or employment by the city of Dublin, is removable under the effect of this bill.

My Lords, I now call your Lordships' attention to some other clauses in the bill. There is in this bill the preservation of the catholic oath, the consideration of which I beg leave to reserve to future consideration. I wish at present to put you in possession of the practical machinery of the bill, as far as it relates to the

mode of election to the common council, and as far as the bill relates to the popular and executive management which that common council may carry on. Now, my Lords, following up that, I shall call your attention next to the taxation clause. I have discussed at length the principle of the elective clause, and I have now to call your Lordships' attention to the principle of the taxation clause. Your Lordships will find, if you will have the goodness to look at the clause in page 77 of the bill, that if any further sum is wanted in the corporation of Dublin, after they have employed the corporate funds that belong to it, they are invested, by the clause at page 77 of the bill, with the power of taxation. The clause, my Lords, is 135 of this bill. By the taxation clause, in addition to the funds of the borough, if those funds of the borough are not sufficient to carry into effect what are called "the provisions of the act," (and it is left to the arbitrement of the new corporation to say what "the provisions of the act" are,) this body is invested with the power of taxation; that power of taxation being borrowed from the 9th of George IV., which was the act under which the commissioners of paving and lighting were enabled to make rates; and by the words, as your Lordships will see upon reading the clause, they are to have all the powers of the commissioners under the 9th of George IV. In other words, if the borough funds are not sufficient, they are invested with a power like what the Chancellor of

the Exchequer might have in this country, peradventure something larger, of putting a tax upon the inhabitants within the municipality of Dublin, according to the provisions of the act.

Now, my Lords, without troubling you with going through the clauses, which would be a waste of your Lordships' time, I will shortly state to you what the result of that act is. Under that act, property which is under five pounds pays sixpence in the pound, that is, two and a half per cent.; property between five pounds and ten pounds pays nine pence, which is three quarters of five per cent.; and property which is above ten pounds pays one shilling, which is five per cent. Those are the powers which the common council of the city of Dublin are to have; that common council being elected in this manner—every person who pays any sum, according to arithmetical divisibility of numbers, or the physical divisibility of property, having a vote to the common council; and this body, so elected, are, if more money is wanted in Dublin, to have these powers of taxation.

Duke of WELLINGTON—What clause is that in the bill?

Sir CHARLES WETHERELL—That is, my Lord, the taxation clause, page 77—it is clause 135. There are

some copies which have it clause 134, and others which have it clause 135—mine is clause 135.

Now, my Lords, this is indeed a tremendous power of taxation. I have before stated to your Lordships the reserve which I wish to put, and which I am bound, out of respect to your Lordships, to put upon myself in making this statement; but, unless I very much err, there are upon the table of this house documents which shew what is the rateable property of all Dublin. There is Mr. Sherrard's valuation, which puts it, as I am told, at the very low estimate of £704,000 a year. Now, five per cent. upon £704,000 a year, would be £35,000 a year. The power which they have given to them here would not be a complete levy upon that £704,000, because all the property is not taxed at a shilling in the pound. There is five per cent. to be charged upon the valuable property; the property from ten pounds to five pounds is to an inconsiderable amount, and is hardly worth mentioning; and that property which is to pay six pence, is hardly worth mentioning. The substantial property upon which this taxation is to operate, is obviously that which is of the value of ten pounds and upwards. This council of Dublin is to be constituted upon the principle of household suffrage, or rather, as I have before shown, of universal suffrage; and in men so elected you, by this bill, are to repose an

unlimited power of taxation. The body elected by those who pay scarcely any thing, are to be empowered to tax those who are to pay every thing.

I say, my Lords, this is a principle unknown in the history of this constitution, unkown in the history of any constitution which professes to proceed upon principles of justice. For it cannot be justice, or based on principles of justice, if you ascribe to numbers the whole civil power of the country; and yet that is what you are now called upon to do, and to do in the metropolis of Ireland, the place which is to become a model for all the corporations in Ireland, which are now allowed to exist, or which the Queen is hereafter to constitute. Here I say it is that you are to enact, and if you pass this bill, will enact, that a body who pay nothing shall constitute the taxators of the city, according to their own undefined and undefinable notion of what is necessary for corporate purposes, levying on the people of Dublin a tax, which, upon the lowest estimate, would be £100,000. What could be more despotic?

I beg to ask your Lordships, is this "justice to Ireland?" It may be justice to its oppressors; it may be justice to a faction; it may be justice to those who claim to themselves the domination of Ireland upon the element of numbers; but the British constitution says that the element of numbers is not the sole source

of power; that property is to be mixed with numbers; that many other considerations are mixed with numbers; and that the element of government in this realm, whether parliamentary or municipal, is not the sole unsophisticated simple element of numbers. My Lords, I assert that I have stated to you enough to shew that this is not "justice to Ireland." What is it, my Lords, that has been the constant struggle of this country in all time and in every age? What is it, that from the very dawn of the British constitution, has been the struggle? It has been to prevent numbers as numbers, and democracy as democracy, from being the sole and single source of municipal and parliamentary authority. My Lords, I have been surprised when I have looked at this bill to find such clauses in it, and it is not till after much consideration that I feel I have ascribed to these clauses their true and correct operation. If I have not done so, I beg to call in aid again the apology I before alluded to, that it is from defective opportunities that I have come to this conclusion.

Now, my Lords, going on with this bill, which as I before said, is throughout the whole of it difficult to understand; if I look at the next clause, I find that the very marginal note is an *ignis fatuus* to deceive the reader. The marginal note, generally speaking, indicates the contents of the corresponding clause. But when I look at the marginal note of the next clause,

in page seventy-eight, your Lordships will find this, "Appeal to the Recorder or Assistant Barrister of the county." Now let us see what sort of an appeal this is; your Lordships would suppose that the Recorder of Dublin was to sanction this taxation which is to raise a sum of £100,000, and to prevent a profligate use of the money. No such thing, my Lords; there is no appeal from our good friends, the council of Dublin; no appeal from their judgment or discretion. The appeal to the Recorder is only to see that the assessment may be properly made. Now, my Lords, in reading bills as they are passed, when I had the honor of sitting elsewhere, the mode was this—The marginal note was read, "Appeal to the Recorder or Assistant Barrister," and the ayes said "yes," and the others "no," and so they turned over without reading the clause. Every body would suppose from this note, that there was to be in some way or other a check to prevent those persons oppressively using or scandalously abusing the power of raising money for their own corporate purposes, and that the Recorder was to check the power of profligate taxation. No, the Recorder is not only not to prevent it, but he is to take care that the tax is properly made, that the taxation upon the shilling, the nine pence, and the six pence payers, is properly made.

My Lords, upon that subject I will trouble you no further. There is, however, one thing which I do not

wish to omit—there is a clause that requires an account of their expenditure to be sent to the Lord Lieutenant; he has no power to prevent the exercise of this collateral power; no power to say "Gentlemen you have employed your funds improperly, and I do not think it right that you should raise money to expend in this manner." This bill, my Lords, is skilfully framed; the Lord Lieutenant has power where he ought not to have it, but where he ought to have it, he has none. There is an account of the expenditure to be laid before the Lord Lieutenant in such manner as he shall think fit, and then there is another clause which, strangely as it appears to me, I must own makes the Lord Lieutenant a sort of party to the corporate expenditure. I may be wrong in discussing here the principle in the abstract; but that the government should be made a party to the expenditure of property appears to me to be a principle utterly inconsistent with any corporate principle heretofore established, and quite inconsistent with that character which originally belonged to corporations. This bill appears to me to put the corporation of Dublin in a situation perfectly new in the history of our municipal institutions. There was never such a thing heard of as a corporate body laying upon the table of the Houses of Parliament their annual expenditure, and the object is to bring the government or the party in the state, (I am not using the word party in any offensive sense,) making them privy to the expenditure of every twenty or thirty pounds by the

corporation. It is a principle exposed on all sides to great inconvenience, if not great mischief; it does not check wasteful expenditure, and yet it involves the Lord Lieutenant in giving his sanction to an improper expenditure of money. I would ask those who call it "justice to Ireland," to give me the model of such things in England.

Well, my Lords, there is here again in this bill—I fancy I am reading in every part of it a kind of enigma, which I have to solve to know what the meaning of it is—there is here a clause, which directs the accounts to be laid before the Lord Lieutenant; to do what? To lay them before parliament. It appears to me, my Lords, I can only offer my own very humble judgment upon this occasion, that this clause is again open to objection. The accounts of the expenditure of the city of Dublin are first to be sent to the Lord Lieutenant, who, of course, however occupied he may be, if he is to do anything at all, is to exercise a judgment upon them; a thing, as I have already said, novel and highly objectionable, utterly unprecedented, and inconsistent with the exercise of the fair, sound, independent judgment which ought to belong to any corporate body; seeing that if you cannot trust them with any degree of discretion, they ought not to be constituted at all. Trust, confidence, is the principle of other corporations—it is the ground on which they rest; but this bill has its sham checks,

and ideal protections, and sophistications, to guard against corporation abuse; it, in effect, pronounces the corporation unworthy to be left to itself, and leaves us the pleasant sensation that no preventive is by it devised to prevent malpractices on the part of a body so corrupt. When the Lord Lieutenant has got these accounts, he is to send abstracts of them to be laid before both houses of parliament. Those general heads will disclose nothing at all, and parliament not be a whit the wiser. How could it possibly know, looking at general heads, whether any of the component parts, or any one component part of the expenditure, nay, whether any one item of the total was duly and properly expended? and yet, all this arbitrary, intolerable power of taxing, is committed to the town council of Dublin—to a body the bill itself teaches us to distrust.

My Lords, I have, in calling your attention to these clauses, adverted to those points which constitute the main and principal hinges upon which those corporations are to turn: I hope that I have made good ground to ask your Lordships whether it is consonant to any principle of the British constitution that such a bill should pass in the state, and of the character, in which this has been proposed to your house.

But, my Lords, there are other clauses of the bill of no less importance; I allude to the clause of internal

government, upon which I have not heretofore touched. The clause of internal government, in legal language, is designated under the term of making bye-laws. This clause I beg leave to call your Lordships' attention to. Now, my Lords, in discussing this question, I desire to adopt the same course as I have relative to the other clauses, that is, to consider it side by side with our own municipal bill. There is in our municipal bill undoubtedly a power to make bye-laws, and that power is to be exercised by the corporations, subject to the approval of the Secretary of State.

My Lords, it is true that in page 74 there is proposed something in analogy to this. It is left to the Lord Lieutenant to approve or disapprove; and perhaps it may be said that this submitting to the Lord Lieutenant the approval of the bye-laws of the corporation of Dublin, for the internal regulation of that place, is analogous to the rule in our own municipal act, that they shall be submitted to the Secretary of State. I must say, that I do not think they are exactly the same; but whether the same or not, let us advert to the state of Dublin. In the English municipal bill, of which I shall only say, that it was passed in a moment of patriotic feeling, that it would be useful to the country; was passed in haste, when all its clauses could not be dispassionately and accurately examined: certainly there is such a clause; but as certainly, however, it was a great infringement upon the ancient

constitution of the realm. Never before it was any body, elected as corporations are, permitted so uncontrolled to call any thing a nuisance they thought fit—to order, to prohibit, to do, or to undo; and all this, with the right to enforce their tyranny by a fine of five pounds. I say, in the history of this constitution this was utterly unheard of, up to the day our own municipal bill passed. Still it was thought fit the Secretary of State should have an interference, and thus both the executive council of the borough and the government were combined as the legislators respecting said nuisance. Even so, however, it was monstrous to give such powers, so enforced; powers which no corporation ever had—which no magistrate ever had, except under the circumstances of crime designated by act of parliament—a power which even no court of law ever had. I admit then, my Lords, that the clause in the bill lying upon your Lordships' table has its precedent in a similar clause in our own municipal bill; but I maintain that is no reason why it should be followed, unless exigency requires that it should. And if it turns out, as I shall demonstrate to your Lordships, that that power, given in our own municipal bill, could be applied in Ireland for the purpose of religious distinction—for the purpose of political parties—for the purpose of giving domination to one party, and annihilating and putting down the other—it will be bad logic, bad reason, and bad sense, to say that because such a clause might be fair and

proper in Bristol or in Liverpool—that because, considering the state of those cities, it could not be tyrannically used there; that, therefore, it could not be used with oppression in a different kingdom, under totally different circumstances. There exists in Ireland what, thank God, we have not, not only a difference in political and party feelings, but a wide and ever irreconcileable difference on religious subjects. I say that this power of declaring what they choose a nuisance may extend to religious subjects, and the day may come when a Romanist corporation will call a scriptural controversy, or a protestant religious society, a nuisance, and prohibit them, under a penalty of five pounds, or ten pounds, on each individual attending them.

Now, my Lords, having pointed out, and I presume to think, not unfairly pointed out, what is to be the substituted government of the metropolis of Ireland for that which at present exists—may we not, in all candour, and with all justice, ask the question, why is the existing dynasty to be overthrown in order to make room for that which is to come. When our own municipal bill was in agitation, your Lordships were troubled with a thing called a report; and I say a thing called a report, because it was any thing but a fair report; and your Lordships accordingly examined witnesses at the bar of this house. I will not appeal to a number of noble lords who were present when

our bill was passed upon that subject, but I have made it my labor to look through the report as it applies to the city of Dublin, to know what are the charges against them; what are their malversations, their abuses, their improper application of corporate funds, or undue exercise of powers; what are the civil delinquencies which they have committed, and which are to be visited upon them by the forfeiture of their existing government and the substitution of a new one. My Lords, no doubt, some of you have tried to go through the labor of reading volumes, the sight of which is almost a headache, upon the subject of these Irish reports. I have had a headache or two myself in reading through them; but, my Lords, I say that in them I have seen, and you can see, nothing justificatory of these extraordinary proceedings. You will see that the paving board, the police board, the wide-street improvement board, are wholly independent of the corporation; and hard, very hard, indeed, would it be if their doings or misdoings were laid upon the corporation of Dublin, having neither act, nor part, nor let in the matter. In short it does so happen, and I press this upon the attention of your Lordships, that in Dublin the corporate body have less of incidental duties to perform than belong to most corporations. For which paving, lighting, the regulation of the streets and harbour are generally entrusted to, and discharged by, the corporation, and vested in the corporate body; in Dublin they are vested in collateral bodies named by

the government, or by act of parliament. The corporation have nothing to say to them in their corporate capacity. My Lords, I have looked through the report with some diligence to see what are the charges against the corporation of Dublin; I have not found them out; I do not know whether the evidence is printed or not; I would read it over if I had it; somewhat indeed has come forth: the corporation, it is said, is in debt; it so happens, that about twenty years ago, one of the aldermen was a defaulter, and the corporation lost £20,000; but the report, instead of censuring the corporation for not taking care of the funds, says this, "that within the memory of man no lease or grant has been improperly made, and no property has been misapplied." My Lords, this is important, this is irrefutable evidence coming from men appointed to find faults and spy out deficiencies; from men who panted for accusation, embraced the slanderer, and believed any and every liar, so he did but revile.

Again I press this upon your Lordships. In our municipal corporations, some applied their funds to party purposes, for electioneering purposes. There is not a syllable of that in this case; in truth, though I labored to find out in the report the gravamen upon which they are to be disfranchised, I have not been able to do so. My Lords, there is but one, there can be but one—any one who has read the report knows

that for all these sweeping charges, for plunder, spoliation, transferences, what you will—there is but one reason—that the corporation of Dublin is protestant.

My Lords, I beg here to read a striking passage—"The grants in perpetuity and for long terms of years are of ancient date; none are known to have been made within the memory of any person living. The persons now holding under the corporation have valuable properties in them." Then it says "The present treasurer stated that in twenty years the property would be worth £50,000 a year."

Now, my Lords, the point into which the question before your Lordships will ultimately resolve itself is, the question of the protestantism of the corporation. The present corporation is exclusive, and the new one will be exclusive. The question then, I say, is not whether you will have an exclusive or an open corporation, but whether you will have an exclusively protestant or an exclusively catholic corporation. This question, my Lords, is to be debated in a country where the church is protestant, the Queen protestant, the constitution protestant.

My Lords, I will not charge myself with stating what is the proportion between catholic and protestant property in Dublin, but, unless I very much err, the proportion is nine or ten to one in favor of protes-

tantism. It may turn out, and probably will turn out, that there are documents upon the table of this house from which that conclusion may be deduced, but a direct census or estimate, in that precise and specific shape, I believe does not exist; but I state that to be the ratio, and I believe it is perfectly correct. My Lords, I say that if the objection is, that the government of this corporation is exclusively protestant, the change proposed will tend to establish it hereafter upon the mere basis of numbers, and not on the basis of numbers and property combined,

Now I must here trouble your Lordships, and I will do it very shortly, with stating what the religion of the majority is, and the religion of the minority, according to a paper which I believe has been printed and put upon your Lordships' table, namely, the estimate of houses—Mr. Hamilton's estimate. You will find that the protestant houses, even supposing the houses alone were rated, without taking in the infinite divisibility of houses I have already explained—I say you will find the rate of houses, without letting in all that influx of rateable persons which I before alluded to, gives a ratio of two to one in favor of the catholics. If your Lordships will look at some calculations which I have, of the guardians of the poor, who are to be the main engines of carrying this into effect—who are to appoint valuators fairly to rate the property—you will find that of this number not two to

one, but a number nearly approaching three to one, are members of the catholic religion. My Lords, those are facts which I cannot but think deserve your Lordships' particular attention. I have seen a census—I do not know whether it is the paper lying upon the table of this house—authenticated, in which, according to its estimate, the catholic population, taking them as composed of the body I have mentioned, without regard to property, is certainly more than two to one.

My Lords, what is the consequence of all this? Why, my Lords, the consequence of all this is, that those who are to compose the council of this town, if you take it upon the basis of numbers in any way taken, and I have tried it in several, in which the elective franchise might be put upon the basis of rateable property, that rateability descending to the lowest scale, there is no mode of rating in which, putting it at the lowest and at the least, the catholic ascendancy is notwithstanding in the proportion of two to one. My Lords, I may be wrong in that ; if I am, I must again resort to what I have stated—I am unintentionally wrong, but I feel I am perfectly confident in putting it upon that ground ; but your Lordships are to look at that proposition.

Now, my Lords, the poor law act gives property some weight. A man has a number of votes propor-

tioned to his property, and yet the votes are twenty-five to eight in favour of the catholics. These are serious facts, and deserve the deepest thought and reflection—at least so it seems to me.

My Lords, examine the poor law election lists, where property has some weight, and yet overwhelmingly catholic, and then tell me whether, under the system proposed in this bill—a system where property has no weight—there ever would be a single protestant returned as a member of the common council of Dublin. I assert, that if this bill passes, you are putting into the hands of persons, to whom you ought not to give any such franchise, a power of exclusion quite commensurate with that which at present exists in the protestant body; and I will not repeat what I have before taken the liberty of stating, that if the object of this bill is to combine together a reasonable proportion between the two contending parties, protestant and catholic, the notion is delusive and absurd.

My Lords, you should bear in mind that this bill, which you are to pass, professes in its preamble, to establish a peaceable and quiet government for the towns; these are the very words. Your Lordships see how admirably it effects it. It crushes protestantism, gives popery a complete ascendant, and then, amid the silence and waste of an ascendant and unresisted despotism, cries, "peace and good government." Protestant-

ism is to be swept away. But one home for it is to remain —how long, God only knows—I mean the university of Dublin. That body, from its constitution, must be protestant; but if this bill passes, according to my calculations and data—if they are wrong my argument upon it is wrong—but I never felt more confident in an argument which I had the honor to urge any where, than in stating that according to this bill, taking it even upon the ten pounds voting, which is eight pound ten shillings; or taking it upon that rate of voting which is to be substituted after three years; taking it as it operates at present, or taking it as it is to operate in future; from the moment it passes, and comes into effect, in the month of October next, the period will not be long until the corporation of the university of Dublin itself will begin to shake, and the terrors of popery, triumphant in the city, will try what they can do in the college, and for the destruction of its protestantism.

My Lords, looking at the operation of this bill in that view of it, your Lordships are put by this bill in a situation, in my opinion, of very tremendous difficulty. There was a time, undoubtedly, when in Ireland every protestant corporation was suppressed—the year 1686. The Lord Lieutenant (Tyrconnell) confiscated or suppressed every protestant corporation, and substituted new charters, and a year after that catholicism ceased to reign. Those events took place

in Ireland in the years 1686 and 1687. The events of the year 1688, it will be quite superfluous to repeat. Now, my Lords, I will ask no man's motives, or what he means to do in putting down the protestant institutions; I will ask of no government what they mean by it; I will ask of no men what they mean by it; but I have a right to the fact, and the fact is, that you are putting Ireland at the present moment in the same situation as it stood in the year 1687. Of the corporations that are mentioned in the first schedule, there is Londonderry, which I believe from its constitution, not from its charter, will be protestant; and there is Belfast, which is rather desirous of not being swamped by this bill. Belfast, I understand, is rather desirous of being scheduled in the next schedule, or, in other words, relieved from the domination of the present bill; but I assert, I confidently assert before your Lordships, that, if this bill is passed, Ireland will be, in the year 1840, in exactly the same predicament as it was placed in the year 1687, before the glorious revolution. It may be very true that those who framed this bill mean not to establish catholicity; they have no such meaning; they mean not to swamp protestantism. But the bill inevitably must have that effect, I will not inquire into motives. I will not inquire of any man, in the year 1840, what he means by doing this; I can only inquire what will grow out of the facts, whether it will have that effect or will not have that effect.

My Lords, it is upon these gounds that I have ventured with some confidence to call your Lordships' attention to the most extraordinary principle of this bill. You are by this bill annihilating every protestant corporation which exists. Now, my Lords, looking at this bill again in another view, let us see what it is that your Lordships are about to do; there is under this bill the power of municipal government; you are constituting in Ireland a catholic parliament, the body is to consist of 105 men; you are legalising in Ireland a body who have proclaimed and issued through that country papers and declarations for the purpose of subverting the union; you are giving them a legal right; you are giving a body of persons to be appointed under this act of parliament a power to meet whenever they think fit; a power to have the control of the metropolis whenever they think fit; I have before described their power of taxing; I have before described their power of legislating; you are by this bill creating in Ireland, in the person of the council of the city of Dublin, a body of 105 persons, every one of whom may be, and as I assert of necessity will be, a member of the catholic communion, a body of men armed with those powers, and who will, to a man, be repealers of the union.

My Lords, you cannot fail to have seen in the papers which are issued, and the resolutions which are passed in the various meetings which are held in Ire-

land, the address of the national association of Ireland to the people of Ireland. Your Lordships cannot fail to have seen another paper which bears, I think, a somewhat similar title, namely, a plan of the national association of Ireland. In that plan it is declared, that all the property of the church is to be surrendered to this new body: it declares "that inasmuch as the state eclesiastical and the revenues of England are not applied to the sustentation of the church of the minority of the English people, and as the state ecclesiastical of Scotland is not applied to the sustentation of that church, so the state ecclesiastical revenues of Ireland shall not be applied to the sustentation of the church of the minority of the Irish people." And they have in another address declared a similar proposition. Then, my Lords, in another address, they have declared, acting upon that principle of numbers alone, which I before pressed upon your Lordships' attention, that "the demands of Ireland are for the same relative proportion of members in the other house as is the proportion between the numerical body in Ireland and the numerical body in England;" the element of property, or any other element, being totally left out. And they have passed resolutions, printed and circulated through the realm, that those are the conditions upon which alone they are to leave off an incessant agitation for the repeal of the Union, nay, they do not content themselves with that, because arguing the point in various ways, they say "that the

restoration of their domestic legislature is the only principle upon which equal justice can be done to Ireland.

Now, I ask of your Lordships—these documents being not the mere thunder of any individual, not mere threats, but determined resolutions, the resolutions of "500,000 fighting men"—I ask your Lordships whether it is safe, or wise, or just to give these men, these utterers of sedition, these fighting men, power to tyrannise over the loyal, to exterminate all who love England, to work in every fair or unfair way for the repeal of the Union. I ask is such a body likely to aid in introducing peace, and order, and good will, the specious pretences upon which the measure is introduced. You, my Lords, heed not threats and intimidations, but you will look whether threatening men should be rewarded, and encouraged, and indulged with power; whether persons who inform you, as they have done from time to time, that unless equal justice is conceded in Ireland, which equal justice means ascendant tyrannising popery, they will rebel against English interference and English connection; whether such persons are to be promoted and gratified.

My Lords, I say that principle has been laid down, not to-day or yesterday, but incessantly; and every man who will look at what is passing in Ireland, leaving out party prejudice and contention—leaving

out predilections for or against the government; every man abstracting his mind from all these intervening topics, who examines what has passed for several years in Ireland, since the catholic emancipation bill passed, must see that every step which is taken is a step leading to but one point of finality, and that is the repeal of the union.

My Lords, feeling myself that I have properly deduced that consequence from the papers which I have seen, I entreat your Lordships to consider whether you are not, in recognizing the proposition which is contained in this bill, acting upon that very principle. My Lords, I repeat that you cannot avoid acting upon it, if you adopt that principle of suffrage which ascribes to numbers the weight due, according to the constitution of this country, to property.

My Lords, though I have felt it my duty to travel over the various parts of this subject, I have been unwilling to occupy your Lordships' time; I shall, therefore, with some few additional remarks, bring what I have to state to your Lordships to a conclusion. While this bill professes to begin and end with a mere municipal question, I beg with humility to say, that its limits go much beyond the limits of the municipal question. Protestantism is at stake—it is assailed in its last refuge; admit the spoiler, and how long will

the church survive? The corporations were indisputably established to protect protestantism, to form an antagonist influence against popery and superstition; they were fastnesses guarding the true religion, and fencing it in from assault and danger. Admit catholicism into the corporation and you destroy these asylums. In truth, however, this bill is not admission, but a total surrender. You are called on to man the walls, and garrison the towers, with the inveterate foes of that religion those walls and towers were erected to defend. Such is, such ever must be, the result of acting upon the principle embodied in this and every other modern revolutionary bill—the principle that votes are to be numbered and not weighed—that a majority, however degraded in mind and circumstance, is to rule over a minority, however enlightened, free, and independent. "We are seven millions—we are the majority—we must have government by that majority, and our church ascendant and established." So shout the men to whom you are asked to grant increased political privileges. I ask you, then, are you prepared to echo such sentiments, submit to such demands, and by gratifying clamour and sedition, strengthen them to new assaults? Are you prepared to give up the equipoise, the antagonist force that alone heretofore preserved peace and safety in Ireland, and allow the uncounteracted impulse to prevail of a furious and unmitigated Romanist democracy? My Lords, I cannot believe

that the peers of England can be duped by treacherous falsehood, or intimidated by swaggering threats, into such weakness and infatuation.

My Lords, in this bill there is a clause, which I hope will be expunged. The bill deprecates the idea, in pathetic terms, that any thing in it should be construed to take away the necessity of taking the catholic oath. Now, I do hope that that clause of the bill will be struck out, because it is a mockery to put it in, and legislation ought not to be a mockery. I say it is a mockery to insert this oath, while you create a constituency who will return none but Roman catholic and apostate protestants to the common council. It is preposterous to hear so false a profession in the mouth, and act so certainly in opposition to that profession. You know that Roman catholics will work to overturn protestantism, no matter in what situation placed; you know that enmity to protestantism will be a recommendation in the new municipal elections, and yet you are by this bill required to demand an oath from every Roman catholic directly contrary to his opinions, to the wishes of his constituency, nay, to what he believes a religious duty; and you are, I suppose, asked to imagine that any body of men so situated, placed between two religious duties, will not find a way to escape towards that side, whither passion, and prejudice, and long cherished opinion drive them. I say the annals of the

world could not show an instance where such has not, such would not be, the result under similar circumstances. Here is the oath :—

"And I do hereby disclaim, disavow, and solemnly abjure any ntention to subvert the present Church Establishment as settled by law within this realm; and I do solemnly swear that I never will exercise any privilege to which I am or may become entitled to disturb or weaken the Protestant religion or Protestant government in the United Kingdom."

Now I pray your Lordships' attention for one moment to these words—"Church Establishment." I ask would not any one say, looking to their obvious import, they include something more than mere religion. It appears to me they embrace the church, as consisting of temporalities as well as of faith. It is not simply the religion, but the religion embodied with the constitution and state rights, the religion as established; and, to prevent mistake, then come the subsequent words, that they will not "disturb or weaken the protestant religion or protestant government."

My Lords, I have assumed that this body will be exclusively catholic, and I beg to ask of what avail it is that such an oath as the one I have alluded to should be taken. Your Lordships are aware that

an exposition has been given of this oath—certain persons have laid down their principles of construction. That took place elsewhere upon a motion made on purpose to try the validity of this oath. It can hardly, my Lords, be competent for your Lordships, by any resolution of yours, to say what is or is not the meaning in the minds of those who take the oath, and yet assail both the faith and religion of the church; I therefore can only refer to what was stated by some very eminent persons upon that occasion—by one, my Lords, who has upon this occasion taken a very prominent lead in issuing all the papers and framing all the documents to which I have had the honor of calling your Lordships' attention, it is thus explained—"He denied that he knew any means of ascertaining which was the right or which was the wrong construction of the oath. There was a manifest distinction between the protestant religion, or the protestant government, and the temporalities annexed to the established church, and in this distinction it was that Roman catholics founded their right to interfere with the latter;" that is to say, with all the temporalities. Another very eminent individual avows the same thing:—"There could be no controversy about the oath as it now stood, because there was nothing in it to prevent the catholic from acting as he pleased with respect to the temporalities of the established church, either as regarded the authority or emoluments of the church." So that, my Lords, leading members, and those who

are at the present moment charging themselves in Ireland with the duty of circulating all these papers, have announced, and publicly announced, in the face of the House of Commons, that they do consider, that the true construction of that oath leaves a catholic open, not indeed to attack the protestant religion, nor to attack its faith, but to take away from it the whole of its powers, authority, and property.

My Lords, it is a mockery; the institution which you are about to establish under this bill is a civil institution, not a spiritual institution, an institution to be governed by laymen, and I have adverted to what laymen have stated in their places in the House of Commons, professing to represent the catholic body. They do not state it to be their own opinion alone; their opinion is, that that oath which contains the words "Established Church," "Protestant Government," and "the Protestant Church," mean simply this "you may have your faith if you think fit; that we will not interfere with; but as to your buildings, your property, your estates, your establishment, your rank, and everything which is embodied in what is called establishment and property, we attack all those forms in which this church is embodied, in which it is invested, in which, legally and constitutionally speaking, it consists." Now, my Lords, we understand that an oath is to be interpreted according to the meaning of the person who imposes it; and that in this case the mean-

ing was, that tithes were not to be confiscated, that all the property of the church was not to be taken, that the church was to be maintained, and that its temporalities were to be preserved, as an essential part of the aggregate quality of the church. That is the interpretation of this oath which we undoubtedly according to our casuistry believe; and I have endeavoured to find out whether I could discover a mode of interpreting language different from this; I have in vain endeavoured to do so; but I have found a case which gives something like that interpretation, such an interpretation, however, as I cannot consent to. I find Paley, in his treatise on "promises," has put a case of this sort "Temures promised the garrison of Sebastia that, if they would surrender, no blood should be shed. The garrison surrendered, and Temures buried them all alive. Now Temures fulfilled the promise in one sense, and in the sense too in which he intended it at the time, but not in the sense in which the garrison of Sebastia actually received it, nor in the sense in which Temures himself knew that they received it." Now, my Lords, I cannot but think that this is exactly a parallel case. It is said "This oath means this—you are a protestant, your faith and your religion are to remain to you—I will not touch that; but as a protestant having a church of your own, property of your own, temporalities of your own, rights and privileges of your own, in that character I shall treat you just as the individuals were treated who were not, literally

speaking, annihilated in one shape, but undoubtedly were annihilated in another. I shall endeavour to weaken that church, and to strip that church of all its power and authority." That, my Lords, is one of those casuistries into which others may fall, but into which I will never permit my humble judgment to fall. Therefore, my Lords, when this bill, as I assert, establishes the principle of catholicity in this corporation, and will establish it to such an extent that every member will be a catholic; if any person imagines, that all the powers confided to this institution will not be applied to the subversion of the church of England, the man who so believes possesses very great credulity, and in my humble judgment any man would be very adventurous who should enter into competition with what would be the most extravagant extent of credulity. But, my Lords, I do not wish to dwell upon the mere abstract definition of the oath. Let us see what has been done.—There has been a comment made upon this oath, when poor-law guardians have been elected; in one place, Limerick I believe, the priests at the altar made out the lists of guardians; I will prove it, if you think fit to allow it to be proved. Now this does not belong to spiritual matters, and is by no possibility capable of being reduced within the distinction of a spiritual right as opposed to a civil right, yet have they made out the lists, and dictated the guardians of the poor, which guardians are to make the assessment and to become an important part of the machinery

upon which this bill is to be established. In many parts of Ireland the priests have interfered, and compelled persons within their parishes to vote for certain guardians, asserting that they, as priests, had a right to be consulted in making out those lists. My Lords, I urge that as a sample; I urge that as a fact; I urge that as a proof of what by and by is to be done within the municipality of Dublin; I care little, however, whether the priests make out the lists or not. I have shewn to your Lordships that there is a majority of power, which is a vicious majority, upon the principle of numbers, asserted not only in this bill as a principle, but in all the documents and addresses to which I have alluded.

My Lords, though I might and have had materials before me, of troubling your Lordships at more length, I shall abstain from so doing, hoping that I have been enabled intelligibly to place before you what is, I do not say the probable, but what is the certain, operation of this measure, as it at present stands. You are to democratise Dublin with a catholic body; catholicism is to be mixed with the democratic principle; those elements are the basis on which of necessity is to be built up the structure of the new corporation of Dublin, and I do not say, I have not said, that exclusiveness is desirable; but I do say it is unjust, and cannot come to good, to destroy exclusiveness because it is protestant, and establish it again because it will be Roman

catholic: an exclusiveness too claiming the absolute extirpation of the protestant church. It may be leaving its faith, as faith, untouched, but overturning and never resting till it overturns the means for the promulgation of that faith, the keeping up of the protestant worship as embodied with the only mode in which that faith and worship can be kept up, namely, ministers who are to represent the church with their buildings, their habitations, and their stipends. This, I say, is the avowed, openly proclaimed principle and explanation of the new universal suffrage constituency; and be it observed that you are conceding in the present bill all this license, and encouraging such principles, not only in Dublin, but every one of the corporations which are now permitted to remain, and in every future corporation, which the Queen's prerogative is hereafter permitted to establish; for, I say, upon this bill hereafter the government of the Queen can constitute no corporation, except upon the model and principle of the bill now lying upon your table. Therefore, not only now for this bill, but *toties quoties*—not only in the year 1840, when this corporation is constituted, but in all time as long as Ireland continues, and as long as an act of parliament is in force—your Lordshps are binding your hands behind your own backs, and binding the hands of the crown behind the back of the crown; you are precluding yourselves and the crown from hereafter establishing any corporation existing in Ireland, which is not solely and exclusively catholic.

I say, my Lords, that you are now called upon to pass this bill after some years of agitation; after agitation which has been going on year after year since the catholic bill was passed; and those who now clamour for the present bill have, at the present moment, undoubtedly circumstances peculiarly advantageous to them. My Lords, there was a time when the House of Lords refused to pass bills in moments of agitation, despising the terror and feeling that those extrinsic circumstances were operative upon the independence of the legislature. When Earl Grey, I think, was prime minister, a speech was made by His Majesty, which is now remaining upon the journals of this house, and which I apprehend I may fairly and properly allude to, in which, not by name but by incidental circumstances and by principle, this sort of agitation—which from that time to the present haunts and terrifies (I do not mean in a physical sense) the government and the people of this country—was denounced from the throne. That was in a speech made in the year 1833:

"On my part I shall be ready to co-operate, to the utmost of my power, in abating all just causes of complaint, and in promoting all well considered measures of improvement; but it is my painful duty to observe, that the disturbances in Ireland, to which I adverted, at the close of the last session, have greatly increased. A spirit of insubordination and violence has risen to the most fearful height, rendering life and property insecure,

defying the authority of the law, and threatening the most fatal consequences, if not promptly and effectually repressed. I feel confident that, to your loyalty and patriotism I shall not resort in vain for assistance in these afflicting circumstances, and that you will be ready to adopt such measures of salutary precaution, and to entrust to me such additional powers as may be found necessary for controlling and punishing the disturbers of the public peace; and for preserving and strengthening the legislative union between the two countries, which, with your support, and under the blessing of Divine Providence, I am determined to maintain."

My Lords, that address was made to the two houses by his Majesty on the opening of the session, on the 5th of February, 1833. It was thought, though that address did not point at individuals or at individual associations, which it was beneath the dignity of the crown to allude to; it was thought, however, that it had allusion to the then threat of dissolving the union of Great Britain and Ireland. From that time to the present, my Lords, that agitation has gone on with increased virulence and increased power, and certainly increased hope on the part of the agitators and repealers. It has gone on, till at last your Lordships, in the document that I have referred to, have heard it stated, that even this measure, which is called in the language of the address, "A tardy and paltry measure," is insufficient, and that the repeal of the union is the only thing which can effectuate the demands of

Ireland. His Majesty, in that speech, alludes to the disturbers of the public peace. May I be permitted to state that these associations in Ireland have gone on from that time to the present, the same party constituting them who in that speech are called the disturbers of the public peace, and against whom your Lordships were called upon to co-operate with the crown in maintaining those measures which were to prevent the dissolution of the union. My Lords, my most humble opinion is, that in agreeing to the measure now before your Lordships, and acceding to the principle, though you may repudiate the threats of these disturbers of the public peace, you are aiding them in the repeal of the union ; you are following their policy ; you are treading in their steps ; you are working their machinery, and you are artists co-operating with them—unintentionally co-operating in the same design. This bill is the precursor, almost inevitably, of the ulterior measure of repeal.

My Lords, when these disturbers of the public peace allude to any measures passing, there is no finality short of repeal of the union. In our own parliament reform has been tried, and our reform has been declared to be final, as it ought to be. In our municipal bill it is laid down that it is final ; not so in this case. Here, then, you may learn a lesson from your enemies, though you treat their threats with contempt. You have been told that the suppression of these exclusive

bodies is a step that they call for, in order to achieve the repeal of the union. I have heard it said, and I believe it has been truly said, " Give us the corporation bill and we will take care of the rest."

In the shape and form of municipal institutions, your Lordships are laying down a principle of civil government and religious government in Ireland, whose results you can scarcely foresee; somewhat of them, enough to make you pause before you vote for such a bill—somewhat of them any man, not absolutely blind, can predict almost with certainty. You are told—your enemies themselves warn you—it is not a final close of the contests between the different parties in Ireland. The movement party in religion and in political feelings declare it is only an instalment. Their great object they announce, and that to which all others tend, is the repeal of the legislative union.

I cannot here trouble your Lordships with allusions made to the state of Ireland. It is said that the Irish amount to eight millions and a-half, and that Holland, Spain, Portugal, and other countries have not that amount of physical force. See how this falls in with, how it is supported by, the principle of this bill—the principle that numbers shall be omnipotent. Think not that you can bound the principle to corporations; do not imagine that it is good for any thing—are there not ready those who will make it good for every thing?

My Lords, repeating again the apology with which I commenced, of my inability from various circumstances to follow this question into all its bearings as it needs, and as I should desire, I have, however, stated nothing upon the construction of this act that I do not believe to be its interpretation, nor have I stated any proposition of fact that I do not believe to be correct. Finally then, I say, if this bill passes, there is an end to every protestant corporation in Ireland. "*Valete*," and some may say "*ac plaudite*;" I say "*valete*" to all the protestant corporations of Ireland. Now or hereafter there never can be another, if that principle is fit to be acted upon. Be it so. But supposing this adopted; supposing this principle, for argument's sake granted, I ask what there is in it to justify treating London so much better than Dublin? Why is not London to be assailed in the same manner? Why not hand over the metropolis of England to a similar system? Is this justice to Ireland? The Irish are a very generous people, a warm hearted, kind people; they may say, "Now you have done justice to us, you shall do justice to London." The Irishmen will have the same establishment set up in London. "*Noli me tangere*," the citizens of London cry. But when this bill is established, democrats will tell your Lordships—and perhaps English democrats—"You have overturned Dublin, why do you leave London free?" and I am at a loss to know how that argument is to be answered. No one will say, I take it, because Dublin is in Ire-

land, and London in England—because one is at this and the other at the opposite side of the channel. You have pluck enough to swamp the lord mayor and twenty-five aldermen of Dublin in the mud of the Liffey ; why do you not give the mayor and aldermen of London a washing in the Thames ? Why do you meddle with the Irish alone ? Cannot you take the lord mayor of London up to Richmond or down to the Nore, and give him a little washing in the silver Thames ? Is it because the one body may go up to St. James's with their addresses, if the government do this ? they may go up to St. James's and immediately set it right. Is it not because they have four members ? What is the principle of theory on which the one corporation is left to drive about with its carriages and gold ornaments, and so on, while the other is destroyed ?

My Lords, there is anotherclause which I omitted, and it is the last I shall advert to in this bill. The sheriffs of Dublin are to be named by the common council. Two names are to be made out, and the Lord Lieutenant is to select one if he pleases ; but if he does not please to select one, this bill does not tell us who is to be the sheriff. If the act had said that the first named in the list should be the sheriff, there would be something intelligible. However, I do not care much about who is the sheriff, for sheriffs now-a-days, instead of putting others into gaol, go to gaol themselves, and houses of commons occupy themselves in locking them

up, and coaxing an apoplexy, and watching every day to see when the apoplexy will come on. To be sure they have not yet got a parliament in Dublin, but they soon will, with the new corporation as a fulcrum for the repeal lever.

My Lords, I have before me here, what I forgot before to mention, a document which is not unimportant. Your Lordships are aware, that large property was given to the corporation of Dublin for protestant purposes. This the University received from the corporation, and in return, therefore, it was enacted that the University pray for the lord mayor and corporation of Dublin. Only fancy and imagine, (for without any difficulty your Lordships may suppose a catholic filling the office of lord mayor of Dublin,) fancy the University of Dublin being compelled to pray for a catholic lord mayor and corporation in these words—"We pray for our most munificent benefactor, our present Sovereign, &c." *(reading the form of the prayer.)* In our University we pray for our chancellor, for all the doctors, and both the proctors, and if this bill passes, the University of Dublin will have to pray for a catholic lord mayor and his council, all of whom have declared in the face of the country, and in the face of parliament, that they consider themselves at liberty, that they are bound by no impediment, that they conceive themselves even in duty bound to anni-

hilate every branch of that protestant church, for which this protestant chancellor, doctors, and scholars feel it to be their duty to pray.

It is under these circumstances, conscious of the ineffectual manner in which I have been enabled to deal with this subject, I have to retire from your Lordships' bar, thanking you for the extent to which you have indulged me with your attention.

Adjourned till to-morrow.

HOUSE OF LORDS,

Friday, 15th May, 1840.

ISAAC BUTT, Esq. on addressing their Lordships, spoke as follows—

MAY IT PLEASE YOUR LORDSHIPS,

It now becomes my duty to follow up the statement which was made last night, on behalf of the city of Dublin, by my learned friend who opened their case. Our duty is to endeavour to shew to your Lordships reasons why you ought not to adopt the provisions of the bill now before your Lordships for regulating the municipalities of Ireland, so far as they destroy the rights, confiscate the property, and abrogate the charters of the city of Dublin. In the observations with which I may feel it necessary to trouble your Lordships, I shall endeavour strictly to confine myself to that duty.

The principle of the bill which your Lordships have affirmed, I understand to be simply this—that the

legislature will interfere to regulate the corporations of Ireland. Against that principle I am aware we have no right to contend; it is not necessary that we should; the very petition which the city of Dublin has presented to your Lordships, states their readiness to acquiesce in any reform that your Lordships' wisdom may seem fit, which will not compromise the safety of the protestant religion, nor take away their ancient charters. But, my Lords, I will endeavour to prove that the provisions of this bill, as they affect the city of Dublin, are not warranted by any thing that has been laid before your Lordships' house; that they are unjust to individuals, and fraught with danger to the constitution and the country at large.

My Lords, the petitions which have been presented from the city of Dublin, and parties or bodies connected with that corporation, to be heard at the bar, and upon which your Lordships have been graciously pleased to accede that privilege, are these:—A petition from the city at large; a petition from the sheriffs' peers of the city of Dublin, as individuals; and petitions from several of the guilds or companies of which the corporation is composed. With your Lordships' permission, I will briefly state the substance of these several petitions.

The petition from the right honourable the lord mayor, sheriffs, commons, and citizens of the city of

Dublin, in common council assembled, states that they have learned that a bill has been introduced into your Lordships' house, which, under the pretence of regulating municipal corporations in Ireland, takes away all their charters. They state, that no ground can be established to your Lordships for such a measure in any misconduct of their ancient corporation. They submit that they have faithfully fulfilled the trusts confided to them by their charters, and that there is, therefore, nothing to justify your Lordships in passing this bill of pains and penalties. After declaring, as I have already apprised your Lordships, that they are ready to acquiesce in any measure of reform which your Lordships may adopt, which will not violate their ancient charters, or interfere with the safety of the protestant religion, they proceed to state that the bill before your Lordships' house gives to the new corporation a power of taxation unknown in the history of corporations in Ireland; that the bodies to whom it is now proposed to confide the rights and powers which are forcibly torn from their present possessors, will be dangerous to the peace of the country, inimical to the protestant religion, and to British authority in Ireland; and that their establishment must inevitably lead to the destruction of the protestant church, the separation of Ireland from England, and the dismemberment and degradation of the British empire. My Lords, they again repeat, in the strongest manner, their denial of any crime; they challenge (if I may venture to use the

expression) your Lordships to point out one single act of misconduct, or of mismanagement, or of deviation from the trusts confided to them, by which they have given just occasion for this measure of pains and penalties. They assure your Lordships, that no large or influential class of the inhabitants of Dublin are anxious for such a change of its municipal institutions as that proposed by this bill ; that the feeling of a great majority of the better classes in Dublin is unequivocally opposed to it ; and that of those who will pay the tax projected by this bill, a majority, calculating by the rates to which they will be subject, have actually petitioned your Lordships that it may not pass.

I will not trouble your Lordships by going at more length into the petition of the sheriffs' peers. Sheriffs' peers are those individuals who have served the office of sheriff; and under this title have acquired, by the present charters of the city, a certain rank, with a right to a seat in the common council for life. They present to your Lordships' justice a case which it is not possible altogether to disregard. They state, that on the faith of these charters they devoted themselves to the acquisition of various rights and privileges in the city—that, ascending through various civic gradations, they were at last selected by their fellow-citizens to fill the high and responsible office of sheriff of the City—an office which they represent to be one of great labour, risk, and anxiety, and involving a heavy

expenditure beyond the emoluments derived from it: they consented to serve this office, believing that in return they would obtain a privilege of sitting in the common council for life, with the rank and dignity of sheriffs' peers; of this privilege and this rank they are now about to be deprived. Against this, my Lords, they protest. They deny that ever, as individuals, they have done a single act to justify your Lordships in thus punishing them: they submit to your Lordships that, from their experience in corporate business, their station in society, their property and characters, they are well qualified to retain their seats in the common council with advantage to the community. As individuals, they refer, with pride and confidence, to the testimonies of approbation of the manner in which they discharged the office of sheriff, which they have received from all classes of their fellow-citizens, and from successive chief governors of Ireland; and they submit to your Lordships' house a claim which, in justice, they believe irresistible: they call on you to protect the rights thus secured to them by law, and pray that, whatever regulations you may adopt for the city of Dublin, you will, at least, secure to them their right to seats in the common council for life, unless it can be established that they have justly forfeited them by some crime.

The case of some of the gentlemen who have signed this petition is, perhaps, stronger than I have stated.

It is possible to become a sheriffs' peer without serving the office of sheriff, by paying the fine imposed upon freemen who are nominated and refuse to serve; and several of those gentlemen who now submit their claims to your Lordships' justice, have actually permitted themselves to be nominated to the office, and paid the city the fine of £500: thus actually purchasing their places as sheriffs' peers—places of which your Lordships are now called upon to deprive them, without so much as the allegation of a crime.

My Lords, the city of Dublin is not a single corporation. It is a corporation consisting of twenty-five different guilds or companies, each of those guilds having their separate charters, and most of them their separate property. Several of those guilds have also petitioned your Lordships' house, that, in whatever measures you may adopt for regulating the municipality of Dublin, you will respect their charters and protect their rights. My Lords, I will call your attention to but two out of those petitions; and I take them as mere samples of the rest. One is the petition of the guild of weavers, the other of the guild of merchants. The guild of weavers state to your Lordships, in their petition, that they have property not very large, but whatever the amount may be, it is employed in providing an almshouse for the decayed brethren of their guild, and for their widows and their orphan children. Under the bill now before you Lordships' house, this

property, derived not from public grants but from the private contributions of their own members, thus applied by them to charitable purposes, is taken away and given to a body composed of the ten pound householders of the city, who can have no earthly claim to it. They state that they have repeated charters from many kings; that in times of difficulty they stood steadily by British authority in Ireland; and that for those services they have, at various times, received the thanks of successive lord lieutenants; and they appeal to your Lordships not to take away their rights, whatever regulations you may adopt for the city at large.

The guild of merchants state in the same way that they have property; that their guild is composed of nearly a thousand freemen. They go a little more at large into the general question of the bill; but I will not trouble your Lordships by repeating their petition. They challenge investigation into every part of the corporate management of Dublin. They say that the present system of corporate authority has supplied magistrates, against whom no charge has ever been established—against whom, to this hour, no charge is brought in any evidence, or in the report of any commission that has been issued by the authority of the crown or of parliament; and, therefore, they pray that, however your Lordships may regulate the municipality of Dublin, you will not take away their rights. They state that all the rights of freemen have been

procured by services and purchased by an outlay of money : many of the freemen of this guild have paid as high as fifteen pounds. They then go on to say, that this bill professes so far to respect these rights as to preserve their parliamentary franchise : this, my Lords, they rely on as an admission that they are not unfit to exercise the municipal : although, at the same time, they submit to your Lordships that the provisions by which this professed preservatiou of their parliamentary rights is carried out, are such as to make it a mockery, by leaving these rights at the mercy of the new municipalities.

These petitions, my Lords, briefly state the case which it will be my duty now, following my learned friend, to lay before you. Your Lordships will perceive that it is a case involving both private rights and public interests ; and I do confess that this very circumstance makes me feel no little embarrassment in addressing you. In other cases where advocates have the privilege of appearing at your Lordships' bar—in those cases of ordinary appeal in which your Lordships decide the controversies of property, you have but a simple duty to discharge—to determine between man and man upon occurrences resulting in the intercourse of every-day life. But this is a question of a different nature—a question, it is true, of equity, of justice, and of law, but one involving political considerations and constitutional questions ; and as the duty

of your Lordships is here to look to subjects more extended and more enlarged than those upon which you are accustomed, as a court of judicature, to decide, to take on yourselves the spirit and dignity of the constitution, and while you respect the principles of past, have regard to the interests of future generations—so, my Lords, the duty of the advocate is also enlarged. And thus I do feel an embarrassment, lest, on the one hand, I might appear to introduce topics that are beyond my province, and unsuitable to my position here. But while I am deeply anxious to avoid this, I have another, and your Lordships will pardon me for saying, a still higher anxiety, lest I might omit any consideration that could possibly induce your Lordships to protect from this bill of pains and penalties those rights which, as an advocate at your Lordships' bar, it is my highest and my most sacred duty to defend.

My Lords, I will first call your attention to this bill as divided into two parts. It is a bill of disfranchisement and a bill of enfranchisement. It begins by sweeping away every existing right in the city of Dublin. Not the right of a single freeman to vote for municipal offices is retained. No privilege is spared—no franchise respected. Now we assert that, to justify this part of the bill, there ought to be some crime established against the holders of these rights; or it ought, at least, clearly to be shewn that their rights are inconsistent with the welfare of the community. However

your Lordships may decide as to the admission of new rights and new franchises, we fearlessly assert that no reason has yet been supplied to your Lordships' house which can justify you, as the highest court of judicature in the land, in forfeiting the existing rights of freemen. Thus, my Lords, our first ground of protesting against this bill is that of individual injustice. You punish, my Lords, a number of individuals who have been advanced, under the existing order of things, to the highest offices in the magistracy of the city; I say you punish, because to degrade is to punish; you degrade, in the evening of their days, the aldermen—men who have borne an unblemished character, who, as magistrates, have never yet been charged with partiality in the execution of their magisterial duties; you degrade the sheriffs' peers, who have acquired their right by long and onerous attention to civic duties; and you degrade the freemen of the city of Dublin, because you take from them their rights—rights, my Lords, which have hitherto been supposed to rest upon the same foundation as the privileges of your Lordships' illustrious house—upon hereditary succession, the transmission from father to son, upon the charters of monarchs, and upon repeated acts of parliament recognising their privileges.

Now, my Lords, the freemen of Dublin appearing here at your Lordships' bar, deny that in any one respect they have proved themselves unfit to retain

these franchises; and, in the confidence of the justice of their cause, they are bold to say to you, If you think that new rights should be given, if you think that any class has been hitherto excluded from the franchises of the city of Dublin who ought to have them, then give them those rights; but do not pass a measure of confiscation, a bill of pains and penalties, unless it can be shewn to your Lordships that some crime has been committed to justify it; do not adopt against us that which both justice and the constitution abhors—an *ex post facto* system of legislation.

My Lords, I am very anxious to call your attention to those clauses of the bill which take away the existing rights of the freemen, because it is these clauses (clauses certainly not involving the principle of the bill) which make the measure a revolution. To admit new classes to new rights may be a reform; but to take power from those who have it and confer it upon another, and a totally different class, is in every sense of the word a revolution. Give me leave to say, that there is nothing in any complaint that has ever yet been submitted to your Lordships, which can justify this. What is the complaint? That Roman catholics have now no franchises. What is the remedy which this bill proposes? That the franchises of protestants should be taken from them.

If to give these franchises to Roman catholics be to

grant a boon, to take them from the protestants is to inflict an injury: the alleged evil and the proposed remedy are not merely unconnected but directly contradictory. If your Lordships think fit that Roman catholics should be admitted—I leave this to your wisdom—let it be done by any means which your Lordships' wisdom may devise. But upon what grounds are you called on to disfranchise protestants, unless the object of this bill be not a participation of power but a transfer? I do strongly and earnestly press this upon your Lordships. I say, not merely that there does not exist in fact any reason; I go further, and fearlessly assert, that not in any complaint that has ever been made to your Lordships' house—in any report that has ever been laid upon your table—in any evidence that has ever been taken—not in any argument that has ever been put forward in favour of this bill, is there suggested the shadow of a reason for taking away these existing rights of the freemen. The exclusiveness of the present corporation arises from a privilege claimed by them of arbitrarily placing a veto upon any admission of a freeman; then, if this be an evil, what is the remedy? Abolish that veto. If I am told that even then the rights are not extensive enough, then give new rights; but I do again and again urge upon your Lordships' justice this one broad principle of the constitution, that by the law of England no man can be punished unless he is convicted of a crime; that when you degrade, you punish; that when

you take away franchise, you punish ; and that, therefore, this is a bill inflicting punishment upon parties against whom not merely no crime has been proved, but against whom no charge even has been made.

Thus far I have spoken of individuals—I have called your Lordships' attention to the injustice which will be done to the several persons whose rights are affected by this bill, as individual British subjects entitled to your Lordships' protection, not the less because the hardship of which they complain involves public wrong, because the taking away of their private rights is also the violation of the charters of whole communities. But when we come to consider the rights, not merely of individuals but of corporate bodies, we shall find charters almost innumerable granted to the city of Dublin and to its separate guilds ; and there is one thing very remarkable which I will venture to bring before your Lordships' attention, although it may be old-fashioned to speak of Magna Charta. We have, my Lords, a Magna Charta for Ireland ; and one of its provisions is, that the rights and franchises of the city of Dublin should remain inviolate. Magna Charta was not granted to Ireland until an early year in the reign of Henry the Third : Henry the Third confirmed the Magna Charta of John to England, and at the same time granted it for the first time to Ireland, and one of its provisions is, that the rights and privileges of the city of Dublin should be respected, just as

the English Magna Charta makes a similar declaration as to the city of London. And, perhaps, I would scarcely venture to bring this before your Lordships, if it were not that the English Magna Charta has been respected so far as to exempt from the operation of the English act the city of London; and I ask why our Magna Charta should not also be respected so as to exempt the city of Dublin? The corporation of Dublin is as ancient as the British rule in Ireland. I only trust, my Lords, that as in its commencement it synchronised with the establishment of British authority in Ireland, so its downfal may not be a prelude to the close of the connexion between the countries.

My Lords, the corporations of Ireland are in a great many respects different from the corporations of England. The charters of the corporations of Ireland were granted for an express purpose, and that purpose was to maintain against the weight of numbers, against the authority and weight of the Irish people disaffected to the British government, the authority of Great Britain in Ireland. This was the policy of James the First, the first monarch who ever established any thing like a constitution, or any thing like law, in Ireland.

The charters which were granted before his time were granted to English settlers—expressly to English settlers; when the whole policy of the English government was in every possible way to discourage and pro-

hibit any intercourse between the colony from this country and the native Irish. James introduced a more liberal and enlightened policy, giving to the whole of Ireland English laws and the English constitution. Before his reign, Ireland had scarcely the semblance of a parliament; a few deputies, indeed, were convened from towns within what then was called the English pale—a colonial, not even a provincial assembly, called a parliament, without power, without authority, or any thing like a system of popular representation. So little way had English laws then made, that it was a common saying in the country before the days of James the First, that those who dwelt west of the Barrow dwelt west of the law (the Barrow, my Lords, is a river a few miles west from Dublin). James was the first monarch who reduced the whole of Ireland to the British rule, and his policy was to establish a number of corporations for the avowed and express purpose, and on the express condition, that they should spread the protestant religion, and support British authority in Ireland; thus extending over the whole country, and among all the people, that order and tranquillity which, before his days, had been only known within the limits of the pale. From him the national, in opposition to the colonial, constitution of Ireland, may be said to date. And it is essential that your Lordships should bear this in mind, that the corporations of Ireland were bound by their charters, and bound by their trusts—I say not whether wisely or not,

hat is nothing now to the point—but they were bound by their charters, and bound by their trusts, to promote British authority by the influence of intelligence, of civilization, and of privilege, in opposition to numbers. For this, and the advancement of the protestant religion, was the very end and object of their existence. The charters granted before this period were English of neeessity, when all intercourse between the settlers of the colony and the natives of the country was a crime. There were few, however, of those previously formed which did not accept new charters from James.

All the charters granted to the city of Dublin, from the first grant by Henry the Second of the city to his men of Bristol, are swept away by this bill. I ought to apprise your Lordships that many of these charters confer privileges and properties for services rendered to the state, for contributions to its exigencies by the freemen of the city ; but all these charters, to which the faith of a long line of your monarchs is pledged, by one sweeping clause this bill destroys ; confiscating all this property, and taking away all these privileges, from the descendants of the men by whose loyalty and services they were earned, and who transmitted them by the settled rule of the constitution as an inheritance to their sons.

But this, my Lords, is not all. I have stated already

that there are twenty-five guilds, or companies, in the city of Dublin. Each of these have their properties, each of these have their charters ; and all those charters, without any reason that I have been able to discover, are destroyed by this bill ; and all the powers and properties transferred to the new bodies created by this bill. There is this distinction between the property of the corporation and the properties of the guilds. The property of the corporation is derived from public grants, from public charters made by kings ; but the property of those twenty-five guilds—in some instances considerable—is, if I am rightly instructed, in no instance derived from public charters, but it has been created—under a license given them by their charter—by the contributions of the individual members of the guilds. And here, as far as these guilds are concerned, what is it that your Lordships are called upon to do by this bill ? A number of persons associated under these charters have contributed their private resources, their private sums of money, to purchase property, that it may run in a particular direction ; and, without any necessity alleged, or any crime proved, your Lordships are called upon to take from the descendants of those persons that property, and to give it to persons the very last upon whom the donors would have conferred it.

Had these guilds been mere private societies of trades, or benefit clubs, unsanctioned by any law and un-

licensed by any charter, such an attempt would be indignantly rejected, as robbery and spoliation. The only difference is, that these companies, before uniting themselves into societies, or presuming to acquire property in their associate capacity, sought and obtained the license and the authority of the state.

The petition of the city of Dublin states, that they have in every instance fulfilled their trusts—in times of disloyalty to Britain, by remaining true to the throne and maintaining British rule in Ireland; that they have fulfilled their trust by adhering steadfastly to the protestant religion; and, more than this, that they have fulfilled their trust by preserving the peace of their town, and securing that it should be well and quietly governed.

I will just trouble your Lordships with one testimony, which may satisfy you that the corporation, as far as the appointment of officers are concerned, has done all that could be expected from such a body. I am about, with great respect, and attaching great weight to his opinion, to quote to your Lordships the testimony of a member of your Lordships' house, who filled the high situation of viceroy of Ireland. It is the custom in the city of Dublin, that each year the officers elected, the lord mayor and sheriffs shall be presented solemnly to the lord lieutenant of Ireland for his approbation, and upon this occasion an interchange of

words passes generally between some one representing the corporation and the lord lieutenant. In the year 1837, the noble lord who then filled the office of lord lieutenant of Ireland, thus addressed the lord mayor elect:

"My Lord Mayor elect—I feel it the less necessary to do more on this occasion than to express my general concurrence in the description of your duties, which has just been given to you by the learned judge who has addressed you, because I am fortunate in being able to refer you to the past, as a sufficient guide for the future. I am able to direct your attention to the acts of your predecessor, and by these, better than by any words of mine, to give you a guide for your future conduct. It is a matter of unqualified satisfaction to me to find, at the close of the second entire year in which it has been my fortune to witness the result of appointments such as have this day been made, that I can in this instance, as in the preceding, state that in every official act in which, by my position, I have been placed in contact with the chief magistrate of this city, he has acquired my hearty concurrence and approbation. I had the happiness of stating this at the close of the mayoralty of that worthy and respected man, Mr. Alderman Morrisson, of whom an intervening year has not been able to obliterate the remembrance. I am happy to state that his successor has emulated the line of conduct which in him elicited my approbation, and in doing so, I am happy to add, that the activity, zeal, and integrity of his coadjutors, the high-sheriffs, have also been all that I could desire."

This, my Lords, was the testimony borne in 1837,

and, as your Lordships will perceive, extending over two years, to the character of the appointments made by the corporation of Dublin; and, therefore, on the authority of the noble lord who bore that testimony, I am justified in saying, that there was nothing in the character of those appointments, or in the conduct of the men advanced to the high situations of magistrates of Dublin, to justify this bill of pains and penalties. This testimony extends through the years 1836 and 1837; and in 1838 the same noble lord used equally strong language in approving of the past conduct of the officers who were then presented to him; and thus for three years I have the testimony of this noble lord, who (I say it with all respect) was not a friend to the corporation of Dublin, that they had not in the appointment of their magistrates done injustice to any class of their fellow-citizens.

This brings me, my Lords, to another part of the subject, upon which I must trouble your Lordships. I have said that no charge whatever has been established against the corporation of Dublin. Your Lordships are, of course, aware that a Royal Commission was issued to inquire into the corporations of Ireland, and that they have laid upon the table of your Lordships' house a report professing to state the result of the evidence which they took. I do not use the word "professing" unadvisedly, as I will presently shew your Lordships. I will be obliged to trouble

you with a brief sketch of this commission and its proceedings; and in the discharge of this portion of my duty, I feel happy that the proceedings upon which I am compelled to comment belong to another parliament and another reign. The proceedings of that commission, which his late majesty was advised to issue, are now matters of history; and in speaking of them, therefore, I am free from all restraint.

But, my Lords, in the very first instance, let me tell you, that this report (and I pray your Lordships' attention to this fact), voluminous as it is, and the appendix relating to Dublin, contains scarcely a single charge against the city. The few charges that it contains I will presently advert to. I know that an impression of a different nature has gone abroad; but if any one believes that this report of the commissioners contains charges against the city of Dublin of corruption, of mismanagement, of misapplication of the corporate funds, of improper appointments, that person, my Lords, is grossly in error. From beginning to end of this report there is not a single charge of mismanagement, or a single charge of corruption; but, on the contrary, unwillingly and evidently reluctantly these commissioners have been forced, in all important instances, to acquit the corporation; while they have collated, and collated sedulously, unimportant, and paltry, and trivial complaints, to which I will call the attention of your Lordships.

This, my Lords, is a very large report on the city of Dublin, but I will shew you how it has been made up. Of this report in my hand, containing four hundred pages, not more than one hundred relate directly or indirectly to the corporation of the city of Dublin; and these include its history, an abstract of its charters, and the rental of its property. The commissioners inquired into the paving board—it is necessary for me to tell your Lordships, that the paving board is a board appointed by the government. They have brought charges against the paving board which may be true or may be false, for I cannot say that I believe them; their insertion in this report is scarcely a *prima facie* evidence of their truth (I will shew your Lordships that I am not using too strong language): but whether these charges be true or false, the paving board is appointed by the Lord Lieutenant, and with that appointment the corporation of Dublin has nothing whatever to do. They have also brought charges against the ballast board, a board appointed under act of parliament, and with which the corporation has no connexion. But against the corporation of Dublin they have brought no serious charge, and the few that they have brought are, I believe, as I will satisfy your Lordships, untrue. The wide street is another of those boards which occupies a large portion of this report, a board also unconnected with the city of Dublin. For your Lordships must recollect this in dealing with the city of Dublin, and particularly when you come

to consider the propriety of establishing a new corporation, that almost all the municipal functions which properly would belong to a corporation have, one by one, been taken from the corporation of Dublin, and transferred by repeated acts of parliament to boards appointed by the government; and it is against those boards, which have been taken from the corporation, and which have been transferred to the government, that the charges contained in this report are preferred. There is, indeed, a general allegation, that the corporations of Ireland have not fulfilled the objects for which they are designed, and that they do not now fulfil all the objects for which they might have been made useful; and it will be for your Lordships to consider, when I come to analyse the appointment of that commission, and the mode in which they have taken their evidence, whether on this general allegation, unsustained by one single particular charge of corruption against this corporation as a body, you are prepared to take away their rights.

My Lords, this commission, I have no hesitation in saying, was a partisan commission. There is not a single commissioner named in this commission who was not known, by his previously pledged opinions, to be strongly prejudiced against the corporation of the city of Dublin. The chairman of this commission was Mr. Perrin, one of his majesty's serjeants-at-law; and I do say, that if any thing was wanting to fasten the

charge of partisanship and unfairness towards the corporation of Dublin upon this entire commission, it was the appointment of Mr. Perrin. The commission was appointed in 1833, and your Lordships will recollect this. It was notorious at the time, that in 1831 this Mr. Perrin (I have no wish to say any more than my duty obliges me to do in derogation of that gentleman)—this Mr. Perrin was a candidate for the city of Dublin on the interest of the party favourable to the reform bill, in conjunction with Sir Robert Harty, the then lord Mayor of Dublin. Notwithstanding all that we hear of exclusiveness as to the political opinions of the corporation of Dublin, the lord mayor in 1831, a gentleman whose opinions were well known when he was elected lord mayor, was a candidate for the city on the interest of his majesty's government, on the interest of the reform bill. But Mr. Perrin was vehemently opposed, I admit, by the corporation as a body. The circumstance of the lord mayor being a candidate, and of his being opposed by the corporation, naturally engendered even more than the ordinary heat of election animosity; and your Lordships may readily believe, that, even had it ended here, Mr. Perrin was not the man to come to try the corporation of Dublin with an unprejudiced mind.

But, my Lords, it did not end here. Mr. Perrin and Sir Robert Harty were returned; and principally through the influence of active members of the corpo-

ration a petition was presented against that return. The petition was successful. Mr. Perrin and his colleague were declared guilty of bribery. Your Lordships will find this on the journals of the House of Commons. You will find also that the committee thought it necessary to make a special report on the interference of the government at that election; and yet, two years afterwards, this Mr. Perrin—who had been thus engaged in the very heat of an election contest, who had been opposed strongly by the corporation of Dublin, and mixed up in every animosity that could naturally be excited in such a contest—this Mr. Perrin, who had been declared by the House of Commons morally unfit to sit in their assembly for that parliament, becanse he was convicted of bribery; who owed to the exertions of some leading members of the corporation this brand upon his character; he was the man that was appointed chief judge in the commission to try this corporation!

And, my Lords, that there might be no doubt of the motives which had influenced this selection, who was one of his colleagues? Mr. Hudson, a gentleman whom the House of Commons reported to have been also guilty of bribery at that same election—a gentleman whom the House of Commons directed the Attorney-General to prosecute! This Mr. Hudson, who was thus charged with having bribed, as Mr. Perrin's agent, was now associated with his late accomplice as

his chief, as an impartial judge to decide upon the purity or corruption of the corporation of Dublin. It may be that those who selected this commission (I am speaking now of matter of history) believed, as they were anxiously seeking for evidence of corruption, that those who were practically best acquainted with it in themselves would best be able to detect it in others; but upon no other principle can I conceive why they selected these men from the whole mass of the Irish bar to sit as judges to try the corporation of Dublin.

This, my Lords, was enough to mark the character of the whole proceeding. The criminal made judge—the men baffled and disgraced in a contest with the corporation, given the opportunity of revenging their defeat by an appointment as inquisitors. But this was not all. Of the remaining commissioners (they were twelve in all), five were Roman catholics (while the Irish bar, the body from whom they were chosen, were protestant in the proportion of five to one), and Roman catholics not distinguished for the moderation of their politics! and every one of the commissioners, protestant or Roman catholic, was known to be hostile to the corporation. And it is, my Lords, upon the general allegation of such commissioners, unsustained by evidence, unsupported even by particular charges, that your Lordships are called upon to destroy our rights.

My Lords, this commission, thus constituted, commenced its inquiries as to Dublin, and I am free to say at your Lordships' bar, that had I then had the honour of advising the corporation of Dublin, I would have advised them to resist the authority of that commission. They did not do so. The commission came in the name of the king; however abused, that name was respected by the loyalty of those for whom I plead. Every information was given by the corporate officers to this commission. Their books were freely laid before them; their officers attended. Your Lordships shall hear how they were treated.

The first step of these commissioners was to insert—and I cannot help thinking it rather an unusual proceeding—an advertisement in the public papers, inviting persons to come forward and give evidence against the corporation.

I hold in my hand, my Lords, a copy of this singular document. After stating that they would sit at a particular place, and calling on the officers of the corporation to come forward, not by notice, but by advertisement in the public papers—the pith is in the postscript—they say, that "All communications addressed to the commissioners or secretary, and left at the Commercial Buildings, or at No. 46, Dominick-street, will meet with attention."

The meaning of this could not be misunderstood.

They did not seek out sources of information on which they could rely; through the medium of the public press, they invited every chance accuser to come forward; proclaiming an invitation to slander in the insulted name of the king. It needs, my Lords, but little knowledge of human nature to calculate the inevitable effect of such an advertisement in a great city, where, of necessity, there must be a large class who regard every constituted authority as their enemy; to what bad motive did not such an invitation appeal? a call upon the discontented—upon the envious and the malicious—upon every man who had a false tale—upon every man who desired to make himself of consequence by inventing a grievance, or establish his character for patriotism by bearing false witness against his neighbour—upon every man who wished to make his fortune with the new corporation, by having a share in the condemnation of the old? It was the proclamation of a mart for slander—a bidding for calumny from every source, however base.

The result was such as might have been naturally expected. I speak, my Lords, under great disadvantages, for I have not yet seen the evidence which has been laid only within these few days on your Lordships' table; but I must describe it as I can prove. When a royal commission bids for evidence in a great populace against an ancient magistracy, evidence of some kind could not be long wanting, be its character

or its value what it might. Those who had looked with envy on the civic honours which were conferred on industry and merit, came forward to make up for their exclusion by maligning their successful competitors : discarded servants of the corporation dignified into martyrs ; nay more, men who had no higher motive or no graver charge than the fact that they had been fined by some of the civic magistrates, in the discharge of their magisterial duties, all flocked to the receipt of slander. No passion was too base to find its gratification here, provided only it made a man an enemy to the corporation. The witnesses were notorious partisans, many of them without character. In some instances, before the ink that took down the evidence was dry, some of these respectable witnesses, astonished and frightened at the hardihood of their own accusations, returned and asked leave to withdraw their charge, alleging that they had sworn by mistake : we can prove this at this bar. We can prove that, after some of them had been contradicted by evidence which could leave no doubt on the minds of the commissioners that they had sworn what was not true, they were yet allowed again to come forward to malign the character of respectable citizens.

My Lords, this was not all. Questions were allowed to be put to those witnesses ; the room was filled with the members of the trades' union—a body, whatever may be its merits, at all events notoriously opposed to

the corporation; and these gentlemen handed their written questions to the commissioners. Whenever a member of the corporation appeared, he was questioned and cross-questioned; but whenever a witness appeared against the corporation, he was asked, "Upon what point he would wish to be examined?" The commissioners did not go fairly to execute their mission; they did not call the men that they thought could give them fair information; they did not call the respectable merchants of the town. I feel some degree of restraint, even with all the latitude I feel your Lordships' generosity will allow to the defender of ancient rights about to be rudely taken away, in describing the witnesses as they deserve; but I venture to say that, when the names of the witnesses and the testimony they have given are in your Lordships' hands, in the printed evidence, you will not consider that I am describing it too strongly, when I say that many of them were men without character, without station, without property, or respectability.

Something, however, was still wanting to complete the unfairness of this inquiry; it was not wanting long. The corporation employed counsel, and told the commissioners that they were prepared with evidence, which they wished to have received. Some officers of the corporation, it is true, were examined, but they were examined by the commissioners; but when the corporation pressed upon the commissioners

to receive the evidence they tendered, day after day, by one excuse after another, the examination of these witnesses was postponed; and the commission absolutely closed, and made their report, without giving the corporation the opportunity which they had promised of laying their evidence before them: and I repeat it is upon the general allegation of these commissioners that you are now called upon to destroy the rights of the city of Dublin.

Your Lordships will remember that it is only within these few weeks, and then in answer to a demand of your Lordships, that, after an interval of six years, the evidence taken by that commission has been laid upon your table. Your Lordships will presently have no difficulty in perceiving the reason of this. When the English commission made their report, the evidence was laid upon your table as fast as it could be printed; but when the Irish commission gave their report, the evidence was withheld, and your Lordships were only permitted to judge of the general allegations. I will shew your Lordships the plain, though I can scarcely say the honest, reason for this suppression of the evidence.

My Lords, I ought to say, and of course your Lordships will understand me to speak, under this responsibility, that, after consulting with my learned friends, we are prepared to prove to your Lordships,

if your Lordships think fit so to order, every fact I state. Having said this, I may venture to explain how I have been enabled to examine parts of that report, and what I have detected. A short-hand writer was employed by the city to take notes of the evidence that was given, and a considerable portion of the evidence was thus reported, until at last the commissioners divided themselves into seven different courts, sitting, I believe, two or three in one room, and others in different rooms ; and it then became impossible for one reporter to follow these seven gentlemen at once. A small portion, however, of the evidence that was taken I obtained. I examined as much of it as I could. Let one instance satisfy your Lordships of the faithfulness with which the evidence has been represented by the commissioners.

In page 28 of the appendix to the report upon the city of Dublin, it is stated that the grand juries were composed exclusively of protestants ; and this sentence occurs : " A few Roman catholics are occasionally returned." I pray your Lordships' special attention to this passage. " An alderman, who stated that he supposed he had served twenty grand juries, said that he had probably served with three Roman catholics." The sentence is ambiguous ; but there is no man reading this report who would not believe that this alderman had given in evidence, that on all the twenty grand juries he had served there were but three Roman ca-

tholics, making the proportion of one Roman catholic on seven grand juries. Now the alderman's name is not given, probably because they knew that this perversion might be contradicted. But what will your Lordships say when I tell you that the evidence of this alderman—it was Alderman Montgomery—was, that he had served on twenty grand juries, and that on each of those twenty grand juries he had met three Roman catholics ? I say it is impossible that such a falsification of the evidence should have arisen from mistake; and whether it was some clerk who imposed upon these commissioners, or whether it was their own default (for I dare say any thing at your Lordships' bar in the discharge of my solemn duty as an advocate against this bill), here there is a wilful and dishonest falsification of the evidence by this report that is laid upon the table of your Lordships' house.

I will give your Lordships more instances. It is stated that £500 a-year were granted by King Charles the Second to the corporation of Dublin out of the casual revenues of Ireland; and this is all that is stated in the report. Now, my Lords, it was stated in evidence by two of the aldermen of the city before these commissioners, that this £500 a-year was given under the circumstances I will state. The corporation had, in defence of Charles the First, maintained a regiment for thirty-six weeks; and when the second Charles came to the throne, with more recollection of

past services than usually distinguish the acts of that monarch, he remembered these services of the city of Dublin: he calculated the amount that they had laid out, adding the interest, and in return for the sum they had thus expended, he gave them £500 a-year—the bare interest of the money that, as individuals, they had laid out. And why was this fact not stated? The grant of £500 a-year is stated; but while they profess to give your Lordships a full history of the corporation, and its charters, and its property, they never state to you the singular circumstances, interesting as a matter of history, under which this was granted. Because, my Lords, they knew that to your Lordships' equity this grant, in return for money thus laid out, would have established a claim of private property in the descendants of the freemen of that day; and that it would have been impossible for your Lordships to have taken it from those descendants, and conferred it upon a totally different body.

These are not the only instances. I pray your Lordships to recollect how imperfect my examination of the report has been, by means of the small portion of evidence I have been able to obtain. Had I the opportunity of collating the entire evidence with the report, I feel persuaded that in almost every line I could have found some evidence dishonestly suppressed, or more dishonestly falsified.

I will call your Lordships' attention to another instance. It is stated, as a charge generally against the corporations of Ireland, that they have encumbered their property with debt. When they come to speak of the City of Dublin, they state that the City of Dublin is in debt. Now this is quite true; but they say that the origin of that debt is beyond the memory of man, and they give no further account. My Lords, it was in evidence before them, on unexceptionable testimony, that that debt was, in a great degree, contracted by the corporation from the expenses incurred in raising a regiment for the defence of the country, and in giving contributions to the levy of seamen. This would have been an honourable account of the debt, and as they could not fasten upon a dishonourable one, they left your Lordships to conjecture what you pleased, knowing that it is no good sign, either of a corporation or of an individual, to be in debt. But, more than this, they say that of late years the debt has been increased; another charge of mismangement insinuated, although not openly made. They have not the honesty to tell your Lordships how it had been increased; but another part of the report makes it evident that, in fact, it was by the failure of Alderman Carleton, the city treasurer, a man in whose solvency the corporation placed, and were justified in placing, every confidence: but who, in the vicissitudes of trade, which occur in every mercantile community, failed, and involved the city to the extent of 40,000*l*. Thus,

my Lords, was the debt, in great measure, originally contracted, and thus it principally increased. The report states the debt to your Lordships, but it does not allow you to judge how far it reflects discredit upon the corporation that it was thus contracted.

I have stated that, except general allegations of unfitness, there is scarcely a charge made against the City of Dublin. I can go further. There are upon your Lordships' table two documents, the general report on the state of the municipal bodies, and the appendix, containing a special report as to each corporation. I pray your Lordships to bear with me (I will do it as briefly as I can) while I shew your Lordships, even on the evidence of these documents themselves, that of the charges which they put forward in their report as condemning the corporations in general, they are found, in the appendix, relating to Dublin, to acquit that city.

In the first place, in the report, at page 34, they state that the property of the corporations has been made away with—has been applied to private purposes. A serious charge, I admit; but on turning to their own report relating to Dublin, they say (p. 256) that within the memory of any man not a single improvident grant has been made of property by the city of Dublin. In the same page of the report they state, that the management of the corporate estates involves

a disregard of the public interest, and inattention to pecuniary matters; but when we come to refer to the appendix relating to Dublin, we find it stated that since the appointment of the present officers—a period, I believe, of nearly thirty years—the pecuniary affairs of the city of Dublin have been managed with marked faithfulness and carefulness. (P. 42). Another charge against the corporation at large is their debts. They state the origin of the debt of the corporation of Dublin is so old as to be unknown; this is in itself almost, if not altogether, an acquittal. But I have shewn to your Lordships that they have suppressed facts relating to that debt. I have thus contrasted their general charges with their particular statements as to Dublin, and I am bold to say, that if your Lordships have been induced to believe that this report contains any specific charges whatever against the city of Dublin, of mismanagement, or corruption, or of improper appointment of officers, or of oppression of any class of their fellow-citizens, it is an entire and complete mistake. The commissioners have not, indeed, the honesty to pronounce an acqaittal, but they cannot bring a single charge, except a few—trivial and paltry; and when this was the report from such a commission, I am justified in saying that it is a triumphant acquittal.

I beg to call your Lordships' attention to another part of the report. In page 29, after stating the appointment of sheriffs, and objecting to that appoint-

ment by the exclusive body, they say, "In the evidence given before the commissioners of inquiry into the fees and emoluments of courts of justice, and published in their fifteenth report, in the year 1826, we find a case of the direct packing of a jury for a criminal trial at the court of quarter sessions, at the instance of one of the parties." No doubt such things may have occurred, and as long as men are open to corruption they will occur, no matter who may appoint sheriffs. To find this one solitary charge, they resorted, not to the evidence taken by themselves, but evidence given fourteen years ago; but they add, "No evidence has been laid before us of any similar abuse in that or any of the other courts to which jurors are returned by the sheriffs of the city." "No evidence has been laid before us!" How cautious, how niggardly, how spiteful, this extorted verdict of acquittal! but, therefore, how triumphant! The sheriffs of Dublin return jurors to all the superior courts of Ireland: out of all they find, in the report of an old commission of inquiry, that once upon a time a quarter-session jury was packed; but no evidence before themselves, armed as they were with inquisitorial power! advertising for accusers of a falling body! a body surrounded by an unscrupulous populace, opposed to them in politics and religion! My Lords, this is a triumphant testimony indeed!

I have called your Lordships' attention to the

remarkable admission that no improvident grants have been made by the City of Dublin within the memory of man. I am not much concerned with any thing beyond this: your Lordships will scarcely punish us for the sins of a remote antiquity. But, my Lords, I ought to observe that these grants of ancient times carry no real imputation. In times not very far distant, individuals in Ireland were in the habit of giving away grants of property with an imprudence, which in this country would have been deemed madness. It may have been the unsettled state of the country—the familiarity with confiscation—the ease with which property was acquired, and the difficulty of keeping it, that made men less unwilling to part with it. *Facile parita, facile dilabuntur.* Whatever may have been the cause, certain it is, that even in examining the titles of Irish property, we constantly meet with conveyances of reckless generosity. The Corporation of Dublin was not exempt from the national imprudence; but if these grants were improper, the fault is not that of the body, but of the country and the age.

Among other charges gravely mentioned in this report, we find it stated that, in one of the city courts, an officer was dismissed for pawning a pair of gates which he had seized under an attachment! I know not why they considered it necessary to inform your Lordships on this point: perhaps the crime was that he was dismissed. Your Lordships will forgive me

for noticing such frivolous accusations; but it is upon such charges, and such charges alone, that this ancient corporation is to be condemned. Failing in establishing any serious case of misconduct, the commissioners turned their inquisitorial powers to hunt after such petty delinquencies as these. No scandal was too base, no tattle too contemptible, no charge too ridiculous, provided only it could cast a slur upon the authorities of this ancient city.

In another part of the report they object to the arrangement of the sheriffs' office, because it leaves to the sub-sheriff the management of the details of the office without the interference of the high-sheriff; an objection which I believe applies to every sheriff's office in Ireland. But the sub-sheriff, they say, may be an obscure and irresponsible person; and then, in the next page, they state that the sub-sheriff gives security to the amount of 20,000*l.* not nominal, but *bonâ fide* security, taken by the sheriffs for their own indemnity; and, therefore, I should apprehend, he cannot be considered as unknown or irresponsible. They object, again, to the arrangement that is carried into effect between the high-sheriff and sub-sheriff in another respect. The fees of the sheriffs' office are considerable, amounting to three or four thousand a-year. The high-sheriffs are subject to a considerable expense, and the arrangement is, that the sub-sheriff shall pay out of those fees a sum nearly, though not quite suf-

ficient to indemnify the high-sheriff for keeping up the hospitality of his office, and defraying the other expenses. The commissioners object that that is illegal. This matter was very recently discussed in the court of Chancery, before my Lord Chancellor Plunket, and Lord Plunket gave his opinion that nothing could be more fair than such an arrangement, that it violated neither the letter nor the spirit of any statute.

Another charge is, that the common council are distinct from the mercantile body in the city. And how, my Lords, do they prove this? They state that the chamber of commerce does not contain a single alderman or sheriffs' peer. It being perfectly notorious that the chamber of commerce was formed by a party opposed to the corporation, and for the express purpose of disputing some fees claimed by them; and yet, they say, because the aldermen or sheriffs' peers are not members of this hostile body, that it is clear that the corporation does not include the mercantile interest. I assert, my Lords, that the corporation contains a fair proportion of the wealth and respectability of the city—that is, of the protestants. I admit their exclusiveness. In the same way of the guild of merchants, they say that the majority of respectable merchants are not members of it. That is not true: there is scarcely a single respectable protestant merchant in the City of Dublin that is not free of the guild of merchants.

My Lords, I have been thus particular in examining the details of this report; not because I believe these matters to be in themselves, perhaps of importance, but because it is upon this report that you are called on to pass this bill of pains and penalties. If the simplest rules of justice prevail, it is utterly impossible, on such evidence, to take away the most unimportant right: we have been put upon our trial by this commission—we demand that our tribunal should be impartial, and our trial be fair. If you pass this bill, you set the stamp of your approbation upon these proceedings—proceedings which (respectfully I say it, my Lords) not even that stamp can render any thing but disgraceful. As a court of justice, my Lords, you cannot act upon this report—you cannot make this inquiry, unfair, partial, and dishonest as it is, the ground of a bill of pains and penalties against a whole people;—unfair in its origin, partial in its proceedings, and dishonest in its result;—unfair, because the men selected to try this corporation were pledged to destroy it—partial, in collecting every the basest evidence against my clients, and rejecting the most unexceptionable testimony in their favour—dishonest, in suppressing and falsifying the evidence of which they professed to give their report.

My Lords, when the crown sent out this commission, an issue was sent to be tried; on that issue we now come before your Lordships for judgment. If the

verdict be one in our favour, we have a right to demand judgment for us at your Lordships' hands—if against us, we impeach our trial as iniquitous and unfair.

I may be told that your Lordships, in the supreme discretion of your legislative power, do not need this inquiry to justify your acts. I ask, then, Why was was this commission issued? It was competent to your Lordships to legislate without inquiry; you had the power to punish without investigation: but the framers of this bill have thought it necessary to institute an inquiry; they have thereby made it necessary that it should be a fair one. Your Lordships might have condemned us without a trial, but not after such a trial as this. You cannot act on this evidence; you cannot now act without evidence: the character of the commission forbids the one, the fact that it has been issued is a bar to the other.

If your Lordships are called on to act on this commission, you must have two things clearly established: that it was a fair commission, and that it supplies sufficient grounds for a bill of pains and penalties. We have disproved both. If you are called on to act independent of it, I ask, Why was it issued? Surely not to justify a determination previously formed, and to be carried into effect even if no sufficient excuse were found! "Punish these corporations: if we can find

good grounds, so much the better ; but, at all events, punish." I cannot believe that, in the mind of a single member of this illustrious tribunal, the resolve to punish had, in fact, preceded inquiry ; and that after this resolve—on this resolve—a commission was issued to examine—to search for evidence—to torture by inquiry, and extract some confession that might justify that which was in effect determined on, even if no justification could thus be found. Your Lordships remember, but you will not imitate, the ancient judge :—

"Castigatque auditque dolos, subigitque fateri."

There is, indeed, one charge (if I am correct in using the expression) which is not denied—and that is, the charge of exclusiveness. In the conscientious exercise of a discretion confided to them by their charters, the city of Dublin have confined their franchises to persons professing the protestant religion. My Lords, you have heard our petition ; I have no instructions on the subject of maintaining this exclusiveness. We leave this question to your Lordships' wisdom. You must decide how far you can change that exclusiveness with safety to the protestant church. I only argue, that in the past exclusiveness of the corporation there has been nothing criminal, therefore nothing to justify the measure before your Lordships.

I will briefly go through the history connected with

this subject; your Lordships will judge how far it supplies a criminal ground for condemnation.

Before the year 1793, Roman catholics were excluded from the corporation of Dublin by law. Up to that period, therefore, if there be a crime in exclusiveness, the legislature, and not the corporation, is to blame. Then, for the first time, the city of Dublin obtained the power of admitting them. They were not desired by that law to admit them: there was nothing in that act which, even by implication, could be construed into a legislative direction. The capability of admission to lay corporatious was conferred incidentally along with other privileges. It might as well be contended, that when the legislature gave to Roman catholics the permission of holding leases of a long term, that every landlord was criminal who neglected to give them such leases on his estate, as that the city of Dublin was criminal in not availing themselves of the power conferred by the act of 1793.

Scarcely had this act been passed, when the disaffection spread through the country, which broke out into open insurrection in the sanguinary rebellion of 1798. Unhappily for Ireland, that rebellion was a religious war. Designs were proclaimed to establish a Roman catholic ascendancy in Ireland. I will not pain your Lordships by dwelling on the horrors of that period. It was not during that period of peril and alarm, when

every man was suspected, and the loyalist scarcely knew whom to trust, that it could be expected that the city of Dublin would abandon the safeguard of exclusiveness. My Lords, I repeat, that war was a religious war—a war on protestant institutions ; and however loyal individual Roman catholics may have been, in spite of their religious prejudices, I say fearlessly, that the government and the legislature were forced to regard the body—as a body—disaffected ; and had the corporation then, while a religious war was waged upon the royal authority in Ireland, thrown open their franchises to Roman catholics, the government would have deemed it little less than an overt act of disloyalty, and an abetting of treason.

Then followed the mysterious, the yet unfathomed insurrection of 1803, when a conspiracy was within half an hour of seizing on the castle of Dublin, and proclaiming an insurrectionary government. Again a religious war ! When the chief justice of Ireland was barbarously murdered in one of the leading streets of its metropolis ; and when it was notorious that there was a French party and a Roman catholic party ready to sever the connexion between the two countries. Will your Lordships tell me that the corporation of Dublin were then called on to admit to their franchises a class regarded as disaffected ? I do not inquire into the policy by which that disaffection may have been produced ; if that policy was wrong, it was the fault

of the British government. It only concerns me to allege that such was the state of the country, by whatever cause produced, that the corporation was not to be blamed if, in fidelity to their trusts, they thought themselves bound to maintain their exclusiveness.

In 1810 was commenced that fierce Roman catholic agitation, which for the next twenty years disturbed the country and embarrassed the government. The Irish Roman catholics demanding emancipation—the British government and the British legislature refusing it. All this time a Roman catholic question, avowedly a religious one, was agitated in opposition to successive ministries and successive parliaments. Act after act was passed by this parliament to control or suppress boards and associations, Roman catholic even in name. A contest was going on in which the whole feelings of the Roman catholic population were enlisted against the government. My Lords, your own government would have regarded it as a dereliction of duty had the city of Dublin by its act proclaimed its surrender of the principle of exclusive protestantism. Not a single intimation was conveyed to the corporation, directly or indirectly, that parliament disapproved of their conduct—if any thing, it was distinctly approved of; successive marks of approbation were bestowed upon them—not a syllable of censure breathed. I say nothing of the conduct pursued by the Roman catholic leaders themselves;

of the fierce and irritating attacks which were made upon all the authorities of the city, upon the corporation itself—attacks not very likely to conciliate. Your Lordships will recollect that I am only contending, that the exclusion of Roman catholics by the city is not a criminal act sufficient to warrant this bill of pains and penalties.

Then came the measure of 1829; and then, and then only, can it be contended that it was manifestly the intention of the legislature that the exclusiveness of the corporation should be removed. My Lords, I might admit they have not complied with the spirit of the act, and yet I might claim something of indulgence for prejudices which your Lordships yourselves have nurtured and encouraged. I might remind you how long you had paused, how long you had refused to admit Roman catholics here; but I will again appeal to the circumstances of the country. Immediately on that measure being granted, instead of the Roman catholics acquiescing in its policy, and, satisfied with its concessions, giving up all agitation, the repeal of the union was made, in reality if not in name, a Roman catholic question; associations were formed in the city of Dublin strong enough to overawe, and daring enough to defy, the law; the proclamation of the Viceroy in the morning was met by the procession of multitudes in the evening parading the banners and emblems of sedition through our streets. When

our garrison was kept constantly under arms, and the guards at our posts were doubled; nay more, when your ministry—the ministry of Earl Grey—were driven to rely on the loyalty and the strength of the protestant population of Ulster, when they called out and armed the yeomanry of that province, shall I be told that then it was a crime in the city to keep up the principle of exclusiveness, when the very Roman catholics whom they would most naturally have selected as the first object of their experiment were the foremost in the ranks of the agitation for repeal?

Then succeeded the war upon the Irish church—a war religious in its character. Then it was that multitudes were collected together to spoliate the clergy of the protestant religion. Then it was that the ministry were compelled to come down and ask for a suspension of the constitution of Ireland, in consequence of the religious war then waged—a war carried on in the name of the Roman catholic population of Ireland, against which none of them protested: Where were the city then to find the objects of their admission, unless they admitted the violent enemies of the protestant church? This has been the state of things from 1793 up to the time your Lordships first entertained this bill. So that the very first intimation the corporation received that it was your Lordships' wish that exclusiveness should be done away with was this bill of pains and penalties, and this introduced because

they had fulfilled the trusts of their charters. My Lords, my argument is not that this exclusiveness should be maintained—this I leave to your Lordships' wisdom; but it is this, that there is nothing in the past history of that exclusiveness to make it a crime. If you are bound by those rules of justice which in every, and especially in this the most illustrious, assembly ought, against every other consideration, to prevail—if you determine at last upon a legislative interference with this exclusiveness, you must do it by some measure less violent than the total confiscation of our charters.

But in one corporation of Ireland exclusiveness had been very early done away with; and there was not much to encourage others to follow that example. The corporation of Tuam had admitted Roman catholics, and here is the report of the commissioners, which shews that that corporation had become exclusively Roman catholic; in 1817, they disfranchised the protestant burgesses and elected Roman catholics in their place. Their revenues are derived from tolls: of these tolls, worth £400 a-year, they have made a lease for £250 to the Roman catholic archbishop and the committee for building the Romish cathedral; and even of this reduced rent they have stipulated that the surplus, after paying some necessary charges, should be applied to the building of this cathedral! Every penny of their disposable income is thus applied. Your Lord-

ships will find all this detailed in the report on the borough of Tuam—not a word of censure or of reprehension, but rather praise. Your Lordships will find it also stated that "the sovereign and burgesses are now, all with one exception, of the Roman catholic religion;" though I am bound to tell your Lordships it is added—"It was stated to us that there are not now any religious or political prejudices in the election of burgesses."

There is one charge in the report to which I ought to allude, but to which I accidentally omitted to advert in the proper place. It is the only one involving any charge against an officer. It is stated in the report, on the jurisdiction of the lord mayor in inflicting fines, that he has used his power in an improper way. Most probably, my Lords, the passage to which I allude would have escaped the notice of every noble Lord in this house; it contains a charge, and I will call your attention to it. I have no wish to conceal any thing, to gloss over any thing. The way, my Lords, in which this charge is stated is curious, if not suspicious. They state, that it was admitted by the registrar of the lord mayor's court that a remarkable practice existed as to compounding for fines: the fine on a publican is 4s. 7d. for a breach of the Sabbath, and when a publican is summoned for the first time, he was in the habit of paying a pound to the registrar as a composition for future fines, the informers of the office visit him no

more, and thus he obtains for one pound a plenary indulgence to break the Sabbath for a year. Now, my Lords, I will venture to say that in this representation there is a fraud. While the evidence is suppressed I am bold to say, that no such general charge is warranted.

I do not mean to say that some one lord mayor's secretary may not have acted thus; there have been corrupt men in all stations: but I deny that any registrar could have stated that it was a general practice, as is here insinuated; and for this reason, that each lord mayor appoints his own registrar—generally a private friend of his own. And, my Lords, when you come to examine the evidence, which at last is now printed, you will find that this is a misrepresentation of the evidence, as well as in the case of the three grand jurors.

After all, examine this charge. They do not dare to say that the lord mayor was cognisant of this improper practice—they do not allege that any person who had purchased this indulgence had escaped punishment on a complaint being made against him—it is only said that, on paying this pound, the informers of the office visit him no more: so that the charge virtually comes to this, that some common informer received a pound not to summon him to the court. I, as a citizen, might

summon any one of the publicans to the court, and there is no allegation that my complaint would not be heard.

I venture to say this charge is as dishonest as the rest of the report. I am almost ashamed of thus dwelling upon such charges, but the report actually contains nothing else. I can find nothing more serious, more grave, than charges that the informers of the lord mayor's court, were bought off by publicans; and that an officer in another city court was dismissed for pawning a pair of gates. It is literally upon such charges, and such charges alone, that your Lordships are called on to visit with the penalties of guilt this ancient corporation.

I do entreat your Lordships' attention to the case we have made upon this report, upon which I am sorry to have detained you so long; but it was necessary to shew to your Lordships that this report was a triumphant acquittal of the city of Dublin. No mismanagement—no corruption is proved. Upon what is this bill of pains and penalties grounded? The corporation is unpopular—will you ground a bill of pains and penalties upon common fame? Sometimes these commissioners insinuate a charge upon common suspicion—the people suspect its officers. "It is said," is the convenient formula adopted when they have no

evidence which they can produce. Will your Lordships punish us upon this? There is one precedent—it is an Irish one.

In James the Second's reign an act of attainder was passed against 3000 protestant gentlemen, and the Speaker of the House of Commons, in presenting the bill, said to that monarch, "Some of these we have attainted upon such evidence as we think sufficient, but a great many more upon common report;" and when this bill is presented to Her Gracious Majesty, Her Majesty ought to be told that a very few of the charges, and these trivial ones, rest upon evidence that these commissioners thought sufficient, but that most of them rest upon common report. That act of attainder does supply a precedent, but I will venture to say there is no other.

Now, my Lords, I come to detain your Lordships by an examination of the provisions of the bill laid upon your table. Perhaps, my Lords, I may venture to say I have shewn you, that even if you should decide upon admitting new franchises, there is nothing in the past history or conduct of the corporation to justify your Lordships in taking away those already existing. And now I am sure I will equally demonstrate to you from this bill, that were the corporation of Dublin ever so corrupt, ever so guilty, ever so deserving of punishment, you could not inflict a greater

curse upon the city of Dublin, or the country, than by creating such a corporation as that contemplated by this bill. This bill takes away every existing franchise, and enacts that a new common council shall be elected by the inhabitants rated to a certain amount. And first, my Lords, I will call your attention to the permanent franchise that is proposed. A temporary substitute is provided for the first three years, but the permanent franchise is, that every one rated to the poor law shall have a vote—that is, household suffrage; for by the Irish poor law every property, however small, is liable to be rated, and this constitutes household suffrage. I will call your attention to the clause regulating the permanent franchise—it is the 32d. The only qualification is, to be two years rating to the poor law; it is not necessary that the voter should reside in one and the same house, or hold one and the same property, during the two years; the bill provides expressly that removal shall not interrupt his franchise He may be a wanderer in the city, migrating from parish to parish, from alley to alley, from hovel to hovel—I will shew your Lordships presently, from one room to another, a cobbler moving from stall to stall, and shed to shed, seeking some new shelter as his landlord ejects him from the old. But let him continue to occupy any tenement, however wretched, and be rated to any amount, however small, he is a burgess of the city and entitled to his vote.

Your Lordships must estimate the full effect of this 32d clause, by taking it in connexion with two others. By the 36th clause it is enacted that every occupier may claim to be put upon the rate, while at the same time it is provided that if any act obliges the landlord to pay the rate, notwithstanding the tenant is rated, the liability of the landlord shall be still undisturbed!

Then comes the 37th clause, which is this: "And be it enacted, that where any of the premises as aforesaid, in any such borough, shall be jointly occupied by more persons than one as owners or tenants, each of such joint-occupiers shall, subject to the conditions herein before contained as to persons occupying premises in any borough, be entitled to be enrolled as a burgess for such borough." That is, my Lords, that every man rated as a joint-occupier is entitled to have a vote; and, by the provisions to which I have already called your Lordships' attention, every man having property is entitled to claim to be rated; every man who holds any fractional portion of a tenement may be a burgess; five or six may hold a tenement together, but each of them being an inhabitant householder (whatever restriction this may impose) is entitled to be registered as a burgess.

These are the provisions of the bill which are intended to be permanent: they are, I believe, too

monstrous ever to be adopted by your Lordships. Let us see what is proposed for the first three years: it is proposed that every one rated to the poor rate to the value of £10, deducting a certain allowance for repairs and insurance (of which, as my learned friend told your Lordships last night, we know little in Ireland), is entitled to vote. Now your Lordships will observe, that whatever security this gives us for a *bona fide* franchise depends altogether upon the honesty, the integrity, and the impartiality of the poor law valuators; and we will prove it in evidence at your Lordships' bar, if you should so direct, that the valuators selected for the city of Dublin, for which alone I am concerned, are notorious partisans of the democratic party; that they have in every instance where practicable raised the amount, in order to bring parties within the franchise. If your Lordships rely upon the impartiality, the integrity, or the honesty of the poor law valuators, for securing a *bona fide* franchise, you will certainly find yourselves utterly mistaken.

But, my Lords, it may be said that the rating will correct this—that men will not submit to a high valuation when it imposes higher taxation; but your Lordships will recollect, that if all property be equally overvalued, the proportion of the sum to be raised that falls upon each part of it continues unaltered. A fixed sum is to be raised off a given amount of property in a union; it matters not whether that property is valued

high or valued low, the same sum is to be raised. Only apply the same scale of exaggeration to all, and, except as the proportion between landlord and tenant is slightly altered, the sum payable by each individual remains just the same. If the property in a union be really worth £20,000, and you have to raise a tax of £1000, you lay on a shilling in the pound: estimate it however at £40,000, that is, double every man's nominal value, you still raise the £1000 by a tax of sixpence in the pound; and every individual pays exactly the same sum he did before.

But, my Lords, even admitting that the valuation was unequal—that houses worth nine pounds were placed on a level with houses worth ten, let us estimate the full value of the security afforded by the additional tax. The poor rate declared in the north union of the city of Dublin is five pence in the pound. If the nine-pound houses be all rated at ten, the franchise on which your Lordships rely is completely disturbed; yet each of the houses thus improperly obtaining the franchise, incurs but an extra charge of five pence in the year. A house is raised from eight pounds, at an annual charge of ten pence, a charge which the occupier will gladly pay for the franchise: it is not that a man above the line is subject to a tax, and the man below it to none; it is only that one man will pay a few pence more in the year by being rated to the standard of the franchise.

If, before your Lordships pass this bill, you will ascertain how many persons in Dublin have petitioned to have their ratings raised, and an additional value set upon their tenements, and the result of their petitions, you will at once, far better than by any argument, understand the value of the test of franchise furnished by the poor law system, as it has been managed in Ireland.

I assert, my Lords, that the poor law system, made as it has been—dishonestly made—an engine of partisanship, supplies you no test whatever of a *bona fide* franchise; but I feel justified in stating, that even if you could obtain a *bona fide* ten pound rating, the corporation would be exclusively Roman catholic; at least, in the body that would elect it, the Roman catholic would be to the protestant householders in the proportion of two to one.

My learned friend last night put before your Lordships a calculation, prepared by a gentleman ready to verify it at your Lordships' bar (Mr. Hamilton, the late member for Dublin), who calculates the protestant ten pound houses at 4000, the Roman catholic at over 9000. The result is, that the Roman catholics, distinguishing them as a religious sect, would, in fourteen out of fifteen wards, be able to elect the common councilmen; and that, in the remaining ward, the protestants would be able to carry the election by an im-

mense majority. Each ward returns six common councilmen and one alderman; and out of the 105, seven would be returned by the protestants. I am not prepared to say that a protestant may not be returned by the Roman catholics, but he would be a protestant ready to do their bidding. I do not wish to allude to parties at this bar, but there are in Ireland two known and defined parties upon one point—those prepared to support the protestant church, and those determined to destroy it: and, out of fifteen wards, the elections of fourteen will be controlled by those determined to destroy the protestant church.

It is, my Lords, by the disfranchisement of the freemen—a disfranchisement in itself unjust—that this bill takes away from the property, intelligence, and character of the city all chance of influencing the municipal elections. I may be asked, Will not the freemen of respectability retain their votes as ten pound householders? The question is one that naturally occurs to the mind. My Lords, the freedom of the city of Dublin has been conferred upon almost all the respectable protestants in its vicinity who have had any long connexion with the city; upon men who had distinguished themselves in the naval or military service of their country; upon men eminent in literature, science, or art. Many retired merchants, freemen of the city, and others living not within the city but in the neighbourhood, possessing still large property in the city,

will be disfranchised by this bill; for though a man may be owner of fifteen thousand a-year in fee-simple, he will have no vote under this measure. Your Lordships, too, will recollect that the sons of freemen are all free, and thus a whole family, occupying but one house, acquire several votes. There are houses in the city worth £300 a-year, the inmates of which, if the rights of freemen were retained, would command several votes, which by this bill will be placed on a level with the house rated at ten pounds. If your Lordships decide on adopting this bill, and still retain the rights of freemen, whether by permitting them to vote in the wards with the householders, or by enacting that the guilds should still send a portion of representatives to the common council, you will have at least devised a mode by which the exclusiveness we apprehend will be in some degree prevented, and the property and respectability of the city retain some share of influence in its municipal institutions.

My Lords, I do not hesitate to say, unless you can devise some such means of countervailing the influence of the democratic principle, that, even with a *bona fide* ten pound franchise, the new corporation of Dublin will be composed almost exclusively of men pledged to repeal the union between the two countries. In proof of this, I refer your Lordships to our recent election for poor law guardians. Men were elected who were certainly not the best qualified by station or

property ; who were violent partisans, and pledged to repeal. Of six wards on the north side of the city, just the same as those under this bill, the party that support repeal and the destruction of the church carried the elections of their nominees in five; on the south side they were not quite so successful, being defeated in two or three out of nine: but the result of the entire election was, that out of thirty-six guardians, twenty-two were Roman catholics; and, classifying them by political opinions, twenty-five were men who had voted at the last election for the candidates pledged to destroy the church; only eight who had voted against them. And thus, though by the mode of voting under the poor law, property is, in some degree, represented—under the municipal bill not at all.

If I wanted an argument to satisfy your Lordships that the new corporations will be made engines of partisanship, I could find it in the contests under the poor law in our city. The office was one with which politics had nothing to do; the measure, one with respect to which charity ought to have hushed to silence all political and religious discord: but every election was made the subject of a fierce religious and political contest; placards have been posted in our streets, such as would in this country scarcely be published during a parliamentary election, and the ratepayers were called upon to reject respectable gentlemen because they were not violent enough as partisans.

Then, if the poor law bill has been turned into an engine of political discord, it is impossible that the corporations will not be so too. My learned friend has stated, that the men elected as guardians were nominated in many places from the altars of the chapels, and he has offered to prove it; it is, my Lords, almost universally the case. If that has been done in the poor law, how much more will it be done in the municipal elections?

Now, I pray your Lordships' attention to another clause with relation to the franchise. The lord mayor is made by this bill the judge of the admission of burgesses, assisted by two assessors; but assessors chosen, like himself, by a partisan town council. If he reject a claimant, it is true there is an appeal expressly given, but there is none against his admission. Your Lordships will understand the full evil of this only by bearing in mind those clauses, which relate to the extension of the franchise to joint-occupiers. It will be in the power of a partisan lord mayor to admit the rabble indefinitely—no appeal is given—his decision is final. I may, perhaps, be told, that, independent of this act, there is the right to apply to the Queen's Bench for a *quo warranto;* but, my Lords, this right is, by this act, not openly, indeed, but covertly, and by implication, taken away: the 56th clause, which regulates the application for a *quo warranto*, is studiedly confined

to mayors, aldermen, and councillors. The lord mayor's admission of a burgess is, therefore, made absolute and final.

Another regulation in this bill is this. By the 51st clause, the lord mayor is to hold an annual revision of the list, between the 1st and 15th of October; and if any man is objected to, and does not sustain his qualification, he loses his vote. See how this would operate in Dublin. Dublin has not a commercial population like other cities: its population is composed of the gentry and professional men, who have little or no connexion with the city except that which its being the metropolis, the seat of government and the courts of law, obliges them to have. Some of your Lordships will readily understand that gentlemen of our profession, during what is commonly called the long vacation, are glad to escape as far from the city as we can; and it is just during the time of our absence that this revision-court is fixed, even were we inclined to endure in one of these courts an annual quarrel with the rabble of the city. Nay more, suppose any of us were patriotic enough to abridge our summer relaxations to contend for our right to vote for a common councilman, the mayor may fix the revision after three days' notice; and this at a period when every professional man, and every gentleman not locally connected with business in the city, is absent.

When your Lordships come to consider the peculiar circumstances of this population, you will see how vain it is to expect the better classes of the city to claim or to exercise the municipal franchise. It is an unfortunate, perhaps, to human nature, a humiliating truth—but it is a truth—that, generally speaking, the higher we ascend in the scale of wealth, independence, and even character, the less disposed will we find persons to submit to annoyance and trouble for a political object. Those to whom the franchise is a personal object—those whom its possession makes of some consequence, will submit to annoyance and trouble to attain it. I need not tell your Lordships, that, to different grades of society, apparently the same exertion involves a very different amount of sacrifice. The gentry have fixed their residence in Dublin for pleasure, not to become burgesses ; professional men to follow their professional avocations. These classes will not attend the revision once a-year, they will not vote once a-year—all for an object apparently so insignificant as the return of a common councilman. Thus the principle of a democratic corporation is here palpably unjust, because you virtually exclnde from all share, even the smallest, in its management, the large and the most influential portion of its population, which consists of the gentry and professional classes of the kingdom ; while by this bill you subject us to an enormous power of taxation, by a common council in which we have no voice.

It will, my Lords, be an anomaly in society, that the corporation of a metropolitan city should be directly and bitterly opposed in religion and feeling to the great majority of the gentry and professional classes—yet this anomaly your Lordships will create by the proposed incorporation of Dublin.

I have, perhaps, made plain to your Lordships what will be the constitution of this new body; I will now speak of their powers.

My Lords, I will first call your attention to the 98th and 99th clauses of the bill. The 98th clause enacts, that the town council may appoint one person to be town clerk, and another, treasurer; "and also may appoint such other officers as have been usually appointed in such borough, or AS THEY SHALL THINK NECESSARY, for enabling them to carry into execution the various powers and duties vested in them by virtue of this act, and may, from time to time, discontinue the appointment of such officers as shall appear to them not necessary; and such council or board shall take such security for the due execution of his office by any such town clerk, treasurer, or other officer, as the said council or board shall think proper; and shall order to be paid to the mayor, and to the town clerk and treasurer, and to every such officer to be employed as aforesaid, SUCH SALARY OR ALLOWANCE AS THE SAID COUNCIL OR BOARD SHALL THINK REASONABLE."

So that, my Lords, the discretion of this town council is to be the limit on the salaries of the officers. The 99th clause annexes to this a provision that enacts, that if they appoint an officer not usual in the borough, in that case the appointment must be approved by the Lord Lieutenant; but that your Lordships may see how far this will be any check—you will perceive, with regard to the offices already in existence, no such control is to be exercised over the amount of salary; the only thing reserved is that they must not appoint any officer not usual—I will just read for your Lordships a list of officers now usual. They have a coroner, president of the court of conscience, town clerks, marshal, water bailiffs, serjeants at mace, secretary of lord mayor and registrar of lord mayor's court, registrar of court of conscience, bailiffs of that court, crier, governor of newgate, keeper of sheriffs' prison, treasurer, accountant, architect, surveyor, high constable, sword bearer, mace bearer, officer of commons, clerks of the market, &c., &c., and last, not least, the city chaplain. To every one of these officers they may appropriate, without any control from the privy council, any salary they think fit: electing some notorious partisan as lord mayor of Dublin, they may vote him £10,000 a-year; to the city chaplain, who need not be a clergyman of the established religion—that is proved in England—who will be a Roman catholic prelate or priest, they may vote £3000 or £4000 a-year. The mace-bearer's office may be conferred upon some man

who has performed distinguished service to the anti-English and anti-protestant party in Ireland, and they may give him £1000 a-year, without any control. Here is room for patronage enough in converting these offices, small but still usual, into lucrative ones. And give me leave to say, my Lords, that, even with regard to the creation of new officers, I would look with some alarm at the check proposed in this bill—it leaves in the government something like a power to job with the corporation—and if the government refuse to consent to the new appointment, the refusal towards an individual is always ungracious—suppose the appointment to be connected either with politics or religion, it will at once place the government and the corporation in an unfortunate collision, perhaps upon a topic well calculated to excite popular feeling.

Now, my Lords, there is, I admit, and my learned friend called your attention to it last night, a clause directing the accounts to be laid before the Lord Lieutenant, and abstracts laid before parliament. For what purpose? The Lord Lieutenant has no power of control—parliament has no power of control. Can any man imagine that a sense of shame or dread of exposure in your Lordships' house, or the other house of parliament, might influence this democratic corporation? A great statesman long since well observed, that a democracy is the most shameless of all shameless things. What would be to the town council of

Dublin the debates in your Lordshis' house, if they vote the money of the citizens as I have shewn you they have the power to do? the opinion of their own little public would be with them. Perhaps your censures would be quoted, but it would only be to shew how little sympathy a Saxon parliament in England had with the Irish people.

But I may be asked where these funds are to come from. I will shew you; and let me here observe, my Lords, that in this bill you are throughout legislating on unknown quantities—nothing is honest—nothing is fair; important enactments are carried into effect by implication. You may suppose you are confiscating property of a few thousands a-year; at the period of the commission it appears to have been £25,000 a-year, but encumbered with a debt; but from the falling in of old leases (principally building leases), the commissioners state that they were informed by the city treasurer that the increase on the present income would amount to an addition of £15,000 a-year in twenty years; six or seven of those years have already passed. After the most minute inquiry that I have been able to make, I think I could establish at your Lordships' bar (I wish to be understood as not speaking with perfect accuracy), that within a period of thirty or forty years from this time, the property of the corporation of Dublin, at the lowest calculation, will amount to not less than £50,000 a-year.

All this property, my Lords, is confiscated by this bill ; nay more, whatever property may be possessed by the different guilds is transferred to the new corporation ; this latter, my Lords, an act of spoliation, without even the semblance of excuse. By the 13th clause the new town council " are invested with all the lawful franchises, rights, trusts, powers, authorities, properties, and estates, now or of late legally vested in, and belonging to, or which of right ought to belong to, the old bodies corporate." This same clause dissolves the existing bodies named in schedule A. It is worth while to call your Lordships' attention to the heading of this clause, certainly not the heading under which you would expect to meet with these provisions of confiscation; the marginal heading is simply " Corporations in schedule A to be styled mayor, aldermen, and burgesses!" But this is not all the fraud; I have said that this clause transfers all the properties of the guilds, and destroys these bodies. Your Lordships may read over the clauses again and again without detecting a single hint of this; but when we turn to the interpretation clause—a clause generally passed without observation—we find these words, that " Body corporate shall be construed to include all guilds or fraternities of, within, or connected with, such body corporate." If it were necessary to destroy these guilds, would not the honest way to do it be by a direct clause, enacting, that whereas there are in the city of Dublin twenty-five guilds with separate char-

ters and distinct property, these charters should cease and this property be taken away ? But every thing in this bill is dishonest; the suppression of these bodies is accomplished by an interpretation clause—twenty-five corporations swept away by an explanation ! by a new meaning put upon words ! private properties confiscated by the same !—a clause of confiscation extended to totally different bodies by the formal interpretation clause ! and even the clause itself headed as if it were only regulating a matter of etiquette, fixing the proper title of the corporation !

In addition to this property which is to be handed over to this new corporation, they are to have a power of taxation, for the first time conferred upon corporations in Ireland; this power is given by the 134th and 135th clauses. My Lords, I am free again and again to repeat, that throughout the whole of this bill, from the beginning to the end, nothing is fair, nothing is open, nothing is above board—every thing is done by trick, every thing is done by manœuvre, every right is conferred or taken away by implication. Instead of saying, Be it enacted that they shall have the power to make a borough rate, and then proceeding to regulate and limit its collection, it is enacted that they shall have the power of taxation conferred upon the commissioners in the act of the 9th of George the Fourth, an act for paving and lighting towns in

Ireland; thus sending us to examine the provisions of another, and perhaps a complicated statute, before we ascertain the actual powers that this bill confers.

My Lords, I hold in my hand the statute of the 9th of George the Fourth, which is here referred to. If your Lordships will bear with me for a few minutes on a dry question of law, I will call your attention to the peculiar wording of the clause in this statute conferring the power of taxation. The commissioners are empowered to make not one rate, but three distinct and separate rates: one on houses over £20 a-year in value up to 1*s.* in the pound: another on houses between £20 and over £10 of 9*d.* in the pound; under £10 of 6*d.*; obliging them, however, whenever they make one of these rates, to make at the same time the others, and in the same proportion.

Now these powers of taxation are given to the town council with this qualification by this bill, "Except that every such rate shall be, and is hereby authorised to be, assessed and levied, and raised from and off the owners, occupiers, or tenants of all hereditaments rateable for the relief of the destitute poor in Ireland, in an equal and uniform manner."

Do these words control the graduated scale established by the 9th of George the Fourth? If so, to

what extent of rate does the authority of the town council extend? If they are not to levy three rates on three distinct classes of houses, but one uniform assessment upon all, which of the three limits mentioned in the former statute controls them? A court of law will, no doubt, find means of solving the difficulty. When your Lordships recollect that by the former statute three distinct rates are to be levied, it may be a serious question whether the proviso in the bill now before you may not be construed, not so as to interfere with the graduated scale, but to apply distinctly and separately to each of these three rates, enacting that each of them shall be levied in an equable and uniform manner on that class of property which is subject to it; and that the exception means simply to substitute for the old valuation the new valuation under the poor law, as the basis of the municipal rate—and to subject to the new tax all property rated to the poor law, in some respects different from that subject to the former tax.

This, however, my Lords, is immaterial, whether the rate be levied uniformly or on a graduated scale; whatever, however, be the power, it ought to be defined to prevent litigation hereafter. There is no doubt, however, that they have the power to levy a rate. Six pence in the pound will produce £18,000 a-year; nine pence, £27,000; one shilling, £36,000; the valuation of Dublin being £704,000.

This is bad enough: but conferring, as I have said, this power by implication, you are giving them an extent of power of which, up to this hour, you are unaware. This clause, my Lords, confers upon the democracy of Dublin an UNLIMITED POWER TO TAX ITS PROPERTY: a power of which I confess none but a lawyer would ever have detected the existence in this clause; and a lawyer only, because his profession has trained him to look for fraud. The limited rate the commissioners, and, consequently, the town council, have a right to impose of their own authority; but by the 45th clause of the 9th of George the Fourth they have the power, if two-thirds of them agree, of recommending an extraordinary assessment, indefinite in amount, upon calling a meeting of rate-payers; and if the majority present at this meeting agree to assessment, they have the power of levying a rate to an unlimited amount upon the citizens. I will venture to say, my Lords, so artfully is this power conferred, not by honest and direct words, but by reference to a statute on another subject, that there is not a single noble Lord in your Lordships's house, who was aware that, not merely by this bill were you giving the town council the power of levying six pence, or nine pence, or one shilling in the pound, but that you were giving them the power absolutely, according to the majority of rate-payers at a public meeting assembled, where the populace will always bear sway—that you were giving them the power of levying an unlimited rate

within the city. If it were fair or right to confer this tremendous taxing power, it ought to have been done directly, not by implication. Of those who have paid most attention to this measure in Ireland, I know of no one who was aware of this extraordinary power contained in this clause. Those who have property, whatever be their creed or their class, looked with alarm on the limited power of taxation which it was understood this bill conferred, but they never dreamed of the tremendous and unlimited power which is behind this. In a consultation with my two learned friends, we had examined this clause several times with care before we discovered that such an extraordinary power was conferred. In addition to the ordinary rate which they may impose of their own authority, two-thirds of the common council, with the consent of the rate-payers, have the power of taxing the population of Dublin to any amount. For what purpose? "For the purpose aforesaid:" of appointing "what officers they think fit," and voting them what salaries "they think reasonable!"

Now, as far as the city of Dublin is concerned, let me again remind your Lordships that, for this enormous revenue and this enormous taxation, they have not one proper municipal function to discharge: they will not lay down a single pavement; they will not light a single lamp—we are taxed for these purposes by a separate board. They will not establish any

police—we are taxed for that by a separate board. We are taxed to pay the grand jury assessments, the expenses of prisons, and such like; and if another bill, not yet before your Lordships, professes to transfer the powers of the grand jury to these new town councils, it will give them all their powers of taxation. We are taxed for the wide streets; we are already taxed separately for every conceivable municipal purpose; and with these purposes the new corporation will not interfere. They will, indeed, supply us with pipe water, but they will have a separate tax for that. The only proper municipal function which this Dublin corporation will have to discharge, with its enormous revenue and power of taxation, is to supply us with cold water; and perhaps, my learned friend would say, by agitation keep us in hot water too.

For this large amount of taxation we are to get nothing in return. It is to be solely applied to the payment of officers; to keeping up an expensive staff for a body whose only business will be political agitation. The very absence of all useful occupation compels them to seek employment the reverse of useful. You create a corporation which you call municipal, and then studiously shut it out from every municipal function; you will not let them light a lamp; you will not permit them to pave a street; you have provided us a separate police, one man of which they cannot control. You have given them great pomp—"The

Right Honorable the Lord Mayor and the Aldermen," with their chains, their collars, and their gowns. I do not speak lightly of these emblems of civic authority. You invest this new body with all the prestige of ancient authority. Is it to be expected that a corporation you have enthroned in dignity will sink down into insignificance and do nothing? But their choice is between insignificance and mischief. If they do not become political agitators, they have nothing to do. In the name of the great mass of the professional inhabitants of Dublin, I ask for what you will impose on us the tyranny of this body? We have no objection to the present corporation: it does not tax us; it does not interfere with us; it does not agitate against our religion—against the church we love—the laws we revere—and the constitution we are determined to uphold; we are content to pursue our avocations at our profession, and have nothing to do with it. But this new corporation will do all these things, while it has no one useful function to discharge. You are incorporating some one of those seditious societies in Dublin which for years have convulsed the peace of the country, and made it difficult for any good government to be established. This act is utterly useless for municipal purposes; it is an act to incorporate the trades' union, giving them the power to legislate and to tax with perpetual succession, by the name of lord mayor, aldermen, and burgesses.

Another clause of this bill enacts, that whenever the lord mayor pleases he shall have the power of convening the common council—that is, my Lords, a power to hold an Irish parliament in the city of Dublin, to discuss all questions of national policy. You must not judge of the practical effect of such a power in Ireland from what it might be in this country. It will be, my Lords, a power to hold a Roman catholic parliament, constituted by the vote of this house the legal representative of the metropolis of Ireland, to discuss all grievances, to give authoritative expression to the national voice. You will, at the same time, have established provincial parliaments in all our great towns to second its efforts. When your Lordships recollect the tremendous power which agitation has always had upon the peace of Ireland; when you call to mind the times of danger which all of us can remember, the difficulties that existed in dealing with unauthorised and illegal societies for agitation; when you call to mind that, but six years ago, the Marquess of Wellesley, then Lord Lieutenant of Ireland, stated, in his depatch to my Lord Grey, that "there was nothing he wished more to impress upon the government than that agitation and crime went together in Ireland as cause and effect; that he could not separate them in an unbroken chain of indissoluble connexion:" will you create through our country state authorities for agitation—legalised, chartered, perpetuated.

I need not, my Lords, say a word about the clauses giving the town council the power of legislation, as my learned friend so fully dwelt on that subject last night; nor upon those regulating the appointment of the sheriffs again placing the corporation and government in collision, the provision being that the town council shall send successively two lists of three persons each, and in case the Lord Lieutenant disapproves of both lists, he shall then name a fit person. This would be a power which he could scarcely exercise, except he had judicial grounds for it, such as would justify the privy council in acting; if he did, his negative would be a popular grievance, and bring the government into collision with the civic authorities.

Nor will I, my Lords, take up your time by dwelling on the provision professing to preserve the rights of freemen at parliamentary elections. My learned friend who preceded me has already, I trust, satisfied your Lordships that to leave these rights to the decision of the new lord mayor is a mockery; and that, unless your Lordships consent to alter altogether in our city the balance of political power settled by the reform bill, you must adopt some other provisions upon this subject.

Nor do I feel it necessary to do more than allude to the provisions substituting for our chartered magistracy, against whom no complaint has been ever made,

a new commission named by the crown. I will content myself by appealing to your Lordships' experience of the working of a similar provision even in England, and just reminding you that, by the 161st clause of this bill, it is specially enacted that the borough justices need not in any way be qualified by estate.

I must, however, detain your Lordships while I pray you to recollect the effect which this bill will infallibly have on the peace and tranquillity of Dublin—what dissensions it will produce—to what ill-will it must of necessity give rise—aggravating and perpetuating every feud—inflaming every quarrel, and legalising and individualising every dissension! At parliamentary elections our city is the scene of strife that does not soon or easily subside. The relations of trade are interrupted—the harmony of private and of commercial life disturbed. Respectable merchants persecuted for their votes by assaults upon their carriers—combinations formed to destroy them—shopkeepers proscribed by one party, and this again retaliated by a system of exclusive dealing on the other. How much bad feeling was excited by every election of poor law guardians! neighbours dragging each other to the police offices with all the animosity of enemies; inflammatory placards covering our walls. Once a-year, my Lords, this bill creates among us such a strife; once a-year you summon us as good citizens from our avocations to take a part in such a contest—a contest in which the

bigotry of religious hate, the fury of political animosity, will be aggravated by passions baser than either—the desire to share in the enormous public plunder that this bill provides. Every petty motive of personal ambition—every motive of personal avarice—the greediness for speculation—every bad passion of the human heart, will be called into action by these municipal contests in our town. Yet the preamble of this bill professes that it is expedient that our towns may be well and quietly governed.

And let me pray your Lordships' attention to the enormous expenses that will be necessarily entailed. In the first year the Lord Lieutenant is to appoint barristers to revise the lists. Now, when you recollect that there will be at least 10,000 claims for the first time to be registered in the city of Dublin, you can very well conceive what an enormous expense will be here, at the very outset, entailed upon the city. Barristers—selected, perhaps, not for the extent of their business at the bar—will sit until they have investigated these 10,000 claims; and, if they are so inclined, they may protract the investigation and make each case a separate record, and all this at the expense of the city. But besides that, in each year assessors are to be employed and paid in each of fifteen wards; polling clerks to be appointed and paid; polling booths to be erected; all the expensive machinery of a contested election in each ward once a-year, or "oftener

if need be;" and all this to be paid for by a tax upon the town! In the grand jury presentments, I am informed a very large item of the expenditure is that entailed on the city by printing the notices and lists enjoined by the reform bill; all this expense is repeated for the municipal franchise. Then will come the item of law-costs, a mandamus to compel the lord mayor to admit some claimant resisted by the corporation, and the expense falling on the inhabitants; and yet you are asked to pass this bill, banishing peace from the town, and involving us in incalculable expense, without any one useful object that has ever yet been pointed out.

These expenses are made necessary, they are inevitable to the working of the bill; they are utterly independent of the salaries of the officers left to the discretion of the town council—that is, a power given to this town council to reward favourites at the public expense.

But, my Lords, another enormous charge upon the town will be the compensation of existing officers—men whom you feel you cannot remove without providing them with compensation; but whom you remove, not for any unfitness for their office, but solely to enable the new town council to appoint friends of their own to the vacant places.

I have asserted, my Lords, that this bill is a total transfer of the corporate powers to bodies totally different from those who now possess them ;—that is, my Lords, it is a revolution. Here is the admission of this upon the face of this bill. Upon what other principle does it discard, at an enormous expense, every officer of the present corporation—men competent to discharge their duties, and ready to continue to do so? What is the object of turning away every single officer except the Recorder?—imposing taxes upon the city that the town council and the castle may divide the plunder between them? Two gentlemen, perfectly competent to the discharge of their duties, perfectly ready to hold their offices, now jointly fill the places of town clerk and clerk of the peace: they hold their places under a warrant of approval from the privy council. I believe their emoluments amount to nearly two thousand a-year, and the citizens of Dublin are to be taxed to give them compensation: they are turned out of both offices; and mark this, my Lords, the offices are separated—the town council to appoint the town clerk, and the government the clerk of the peace. Why, then, remove them, at least, from the clerkship of the peace? They are already approved of by the warrant of the privy council as competent for that office. Why are we to be taxed, for no reason in the world but to provide patronage for the Lord Lieutenant? This, perhaps, is the grossest case; but why, I ask again, unless upon the principle

that this bill is to be a complete transfer to parties opposed to the old system—aye, and upon a violent application of that principle—are all the old corporate officers to be turned out, while they are competent and ready still to act? Why must we pay two city treasurers, two law agents—one because he has been an officer, and the other because he is? Here, my Lords, is the avowal that this bill contemplates a total transfer—a transfer perfect and complete; so sweeping that, no matter how respectable, how competent any officer may be—enough that he was appointed by the old system: he cannot be retained, no matter at what expense to the citizens he is turned out. This very provision proclaims the character of the whole bill. It is a bill, not for the good management of our municipal concerns, but a bill of salaries and patronage—a bill to provide places for the adherents of a faction.

Now, my Lords, the point we have urged in our petition is, that Dublin ought to be exempt, as you have exempted London; that, whatever regulations you may hereafter apply to us, you cannot deal with Dublin upon the principle of establishing a purely democratic corporation. In our petition we state our willingness to acquiesce in any measure of reform that your Lordships can adopt, that will not compromise the safety of the protestant religion or violate

our charters; but, my Lords, by adopting this measure you will do grievous injustice to the population of a metropolitan city. I pray your Lordships' attention to the peculiar circumstances that distinguish a metropolitan city from all others: in all other towns the population is stationary, they are more or less locally connected with the town, and possess a natural influence in its concerns; but in a metropolitan city the population is composed of professional men, belonging not to the city but to Ireland; of gentry, who have their places of occasional residence there; many noble lords, members of your Lordships' House, have residences in Dublin: the principle of giving a democratic corporation, even if applicable to other towns, is utterly and grievously inapplicable here. Why subject us to the control of a democratic corporation, with which we have no sympathy, no community of sentiment, no connexion, no influence? Why place the bar, the professional classes, the gentry of Ireland, under the control of the populace of its chief city? The principle has never been carried into effect in England. I do not merely urge that London has been exempted; but what would your lordships say if it was proposed to incorporate into one vast corporation the whole of this immense metropolis, so that Finsbury-square should give law to St. James's? Is it because the professional classes and gentry of Dublin are distant, because they are unprotected, that you will inflict upon them a grievance and tyranny which

you would not endure in London? I may be told that you must give the same bill to Ireland that you have given to England, no matter how differently circumstanced the two countries. I take the argument. I say, if you give us all the evil, give us the one solitary good. London has been exempted—exempt Dublin. You have respected the Magna Charta of John in London, why not respect the Magna Charta of Henry in Dublin? My learned friend reminded the House of the advantage possessed by the city of London in being close to the seat of royalty. Their neighbourhood gives them an influence on the crown and on the legislature. The city of Dublin reminds your lordships, in their petition, that they once had a similar influence: they tell your lordships that if the union had not passed their rights would have been respected. Am I to be told that, because on the faith of England we gave up our independent parliament, that you are to disregard us? On the faith of the legislative union, my Lords, we demand that our rights should be held in the same respect as those of London. In our own parliament they were so. Once, indeed, in that parliament, in a debate upon the privileges of the city of Dublin, it was pleaded that some similar rights of the city of London had been respected by the English legislature. Some one dared to hint that the privileges of Dublin stood on lower and less sacred grounds. Who was the man who rose with prompt indignation to resent this insult to the consti-

tution of Ireland ?—a man, my Lords, whose memory is still held in honor in our country—the illustrious Henry Grattan! He it was who, in the spirit of a true Irishman, indignantly denounced the attempt to place the privileges of Dublin below those of London. It was no part of that great man's patriotism to vilify and bring into contempt the institutions of his country.

I must pray your lordships' attention to one return derived from the Report of the Commissioners, even at the risk of being tedious.

The city of Dublin is peculiarly circumstanced. From whatever cause it proceeds, the habits of the people as to residence have changed. Streets which once were the first in the city are now utterly deserted. and deserted not merely by the gentry but by the mercantile classes: the old portion of the city is almost exclusively inhabited by the lower orders. The loss of the parliament at the time of the union may have had its effect, by throwing into the market a number of the residences of the nobility; but the fact is unquestionable, that there is a large portion of the city abandoned to a class not much above the lowest. The failure of the silk trade has plunged a very large district into distress; but these districts will give law in the new corporation to the magnificent streets and squares which are the residences of our gentry and

our professional men. By the report of the commissioners of corporate inquiry, I find that there are in Dublin, valued over £200, 127 houses, rated at £33,000: so that 127 individuals, the owners of these houses, will pay one-twentieth of the tax imposed by the town council, a body bitterly opposed to them in political and religious feeling, and in which their united influence would not command the return of a single member. Valued between £100 and £200 there are 678 houses, rated at £83,000; so that, my Lords, there are 805 individuals assessed at £116,000 (the whole of the valuation being £704,000,) paying, therefore, nearly one-sixth of the entire rate. But they will be completely overpowered, so that you must consider that, whether with a ten pound franchise, or a five pound franchise, you are giving in Dublin to numbers the power to tax property to an indefinite amount. The whole power will vest in numbers. Injurious and unjust as this would be even in this country, in Ireland it is infinitely more so, where property and wealth is in the hands of the protestants, and numbers in the hands of the Roman catholics. You are giving to Roman catholic numbers the power to tax protestant property.

In Ireland, my Lords, unfortunately, property and numbers are opposed—religious differences make a broad separation between the holders of property and the mass of the people. You cannot disregard this

unfortunate state of things—a vote of your Lordships' house cannot alter it, it must be an element of your Lordships' deliberation.

My Lords, I have shewn you the enormous influence, and patronage, and power, which will be conferred upon the new corporation of Dublin: it is wisdom, at least, to pause and weigh well the uses to which they will be likely to turn the powers which you bestow on this body, whatever be its character. You make them the accredited, the constitutional representatives of the metropolis of Ireland, the second city in the British dominions. Before another generation they will have property which I am, I believe, undervaluing at fifty thousand pounds a-year. You are dignifying them with ancient authority, investing them with constitutional influence; you give them a place, a name, an authority in the constitution; you constitute them an Irish parliament; you give them the power to legislate and to tax; you enact for them their sittings; you give them their meetings, which no law can suppress without a violation of all constitutional principle, which may defy the government and agitate the public mind, without the power of parliament to interfere. No coercion act will ever be tolerated to suppress the legalised meetings of a corporation. Suppose this corporation is directed by some active and unscrupulous popular leader, under whose control they direct all their energies to the repeal of the union, or the

destruction of the Irish church. You have established this body in the metropolis, where all the discontented and ambitious spirits of the country naturally congregate—where the profession of the bar will be at hand to supply its candidates for popular patronage and fame. If such should be the character of a metropolitan corporation, with such power of rewarding its adherents, holding out such temptations to ambition, is it possible to over-estimate the extent of the mischief it will do ?

In the name, my Lords, of the ancient corporation which I represent, a corporation dating its origin with that of British authority in Ireland, I am bold to tell your Lordships their solemn, their deliberate conviction—that, deal as you will with their privileges, which have been never forfeited by any crime, if you establish in their room such a body as that contemplated by this bill, it will be impossible to maintain the Irish church. I need not remind your Lordships that we have high authority for the statement, that when that church falls the doom of the connexion between the countries is sealed.

Establish over the face of our island corporations such as these, and never again can you govern Ireland, except (if this can be called to govern) at the dictation of her democracy and her priests.

These prophecies have been made, and they have been disregarded. Experience after the passing of this bill will justify those whose predictions have been despised. But, my Lords, there is no room for experiment, for there is none for repentance; this step once taken is irrevocable: to-night you are about to make a fee-farm grant of Ireland to influences from which you never can reclaim it.

Your Lordships may be told that justice to Ireland requires you to pass this bill. Not if it be a mischievous one. Justice to Ireland requires you to protect her from every measure which will interfere with her peace, throw back her progress, and mar her prosperity. In the name of her resident gentry—in the name of her protestant people—in the name of thousands of my Roman catholic fellow-countrymen, who look with alarm upon this bill, who tell us, their protestant brethren, their feelings in private, though mob-rule deters them from joining us publicly in resisting this fatal measure—in the name of justice to Ireland, I implore of your Lordships to save that country from the evils that will be inflicted on it by the present provisions of this bill.

My Lords, I feel all the inconvenience of addressing your Lordships upon this subject at this late period, when your Lordships may have assented, upon

some former occasion, to many of the provisions against which my duty to my clients and my country forces me to contend; but, my Lords, if Providence has given you the opportunity of once more reviewing your decision on this all-important question, you will not reject that opportunity. Every day's experience of this house reminds you that neither parliaments nor judges are infallible—that the decisions of the best and the wisest may be reviewed. I feel, indeed, that when you passed the vote which has admitted my learned friends and myself to your bar, you gave us a pledge that you were not hearing us as a mere matter of form. You declared that the question was still open, that your Lordships' minds were not yet finally made up. I am privileged to appeal to your Lordships as judges—it is only because you are judges that I can be present in this august assembly. As judges clothed with a judicial power, of which the highest and most sacred attribute is openness to conviction—invested with a judicial discretion which no pledge can bind, no party combination fetter, and which, up to the very moment when the irrevocable decision is pronounced, no previously formed convictions, however strong, can control. And if, even at the eleventh hour, we have brought, for the first time, to your Lordships' minds the conviction that this bill is injurious and unjust, we have, my Lords, a right, a solemn right, in the face of the country and of Heaven, to demand of the conscience of each individual

member of this illustrious tribunal that he pronounce the judgment which is the necessary consequence of that conviction.

I will not trespass much longer on your Lordships' attention; but there is still one allegation in our petition to which I must allude. The corporation state that no large or influential class of their fellow-citizens are anxious for this bill in its present shape. The guild of merchants tell you that the great majority of the mercantile classes are opposed to it. We offer to prove this at your Lordships' bar. You must not mistake the clamour of a few interested individuals for the voice of the public. To this measure the mass of the people are indifferent—the better classes are strongly opposed—no one wishes for it but those who hope to share in the plunder which it will create. A petition, my Lords, has been presented from Dublin against this bill, signed by 7,000 inhabitants, who will pay the larger proportion of the tax which this bill imposes. These persons implore your Lordships not to burden the city with this tax, not to involve them in the turmoil of constant elections: but, rather than pass this bill, they pray they may have no corporation at all. They do not pray, my Lords, to be placed in schedule B—because they know that, by the provisions of this bill, a corporation may then be granted to the petition of the majority of the rated inhabitants, and they fear that the very same influence which could

command the new corporation would be able to obtain it. They pray your Lordships distinctly that, rather than pass the present bill, they should have no corporation. This petition has 7,000 substantial signatures. Many signatures of persons strongly opposed to this bill were withheld. However cautiously this petition may be worded to avoid the appearance of sanctioning an abolition of our ancient charters, many persons would not, even by implication, seem to consent to a measure which they knew to be unjust.

There is, indeed, my Lords, a people who look with intense anxiety to your decision on this question—the people to whom these charters were granted, the protestant people of Ireland. They contemplate this bill with alarm and dismay; they believe that it will place them under a tyranny intolerant and intolerable—that it will hand over their country to the control of Jacobin clubs, but Jacobinism on which will be engrafted the worst elements of national antipathy and religious hate; which will present to the world the spectacle of the extraordinary union of civil anarchy and religious despotism, uniting in an anomalous combination all the evils of democracy and of superstition. They implore of your Lordships to protect them from this tyranny. One argument they have against this measure which your Lordships will not disregard. In this the highest court of judicature in the realm, where the errors of every inferior tribunal are cor-

rected—in this most solemn and most equitable of all tribunals, they appeal with confidence to your Lordships, and say that this measure ought not to pass because it is unjust.

My Lords, I have done. For myself I have no words strong enough to express my gratitude for the patience and indulgence with which you have heard me. If in any thing I may have wandered beyond the limits which my situation imposed, I implore of your Lordships to attribute it to the embarrassment and novelty of my position—my inexperience in the forms and usages of your Lordships' house. The great cause which I have pleaded, however inefficiently, I commit to your Lordships' justice; with an earnest and a solemn prayer that HE who has cast upon you this night the deep responsibility of deciding for Ireland this important question may guide you to a right and a wise conclusion: in the words of that beautiful petition which millions of your Lordships' countrymen offer up every Sabbath for a blessing on your deliberations, "May God so direct and prosper all your consultations for my unhappy country to the advancement of His glory, the good of His church, the safety, honor, and welfare of our Sovereign and her dominions, that all things may be so ordered and settled by our endeavours upon the best and surest foundations, that peace and happiness, truth and justice, religion and piety, may be established among us for all generations."

APPENDIX.

PROTEST OF THE BISHOP OF EXETER

(IN THE HOUSE OF LORDS)

AGAINST THE PASSING OF THE MUNICIPAL CORPORATIONS (IRELAND) BILL.

DISSENTIENT—

I. Because no sufficient proofs of delinquency or misconduct were adduced against the municipal corporations of Ireland, to justify so sweeping a measure of destruction, in contempt of the sacredness of ancient charters, and in defiance of those principles which, till within the last few years, were wont to distinguish the legislation of the British parliament, and especially in this house.

II. Because, in the admitted absence of such proofs of delinquency, the plea on which the measure was mainly rested, the exclusive character of the existing corporations, did in effect establish the fidelity of those bodies to the one great end for which they were all alike created, the maintenance of the British interest

in Ireland; the more ancient corporations having been founded as fortresses and fastnesses to protect that interest against the rebellious attempts of the native Irish, and of the descendants of the earliest English settlers; the more modern combining, with this great common object, the still greater and more sacred purpose of maintaining the cause of true religion against the unceasing efforts of the papists to re-establish the domination of their own priesthood in its grossest and most revolting form.

III. Because, if it be true that the continuance of bodies in practice exclusively protestant be no longer consistent with the policy which seeks to deal with all distinctions of religious faith, as equally unworthy of peculiar favour in the political institutions of the empire, common sense and common justice alike point out the only proper course to be pursued—the simple abolition of those bodies, when the cause for which they were created is supposed to have ceased.

IV. Because the adoption of a measure, which is admitted by all to ensure the establishment of bodies of Roman catholics equally exclusive as those which they are made to supersede, is not only contrary to common sense and common justice, but also to the spirit of the most solemn promises and engagements repeatedly made by those who advised, and ultimately carried, the act for the relief of her Majesty's Roman

catholic subjects in 1829. The leaders in that great and perilous experiment pledged themselves to propose to parliament the re-enactment of the statutes which were then repealed, or the adoption of still more stringent restraints, if the parties, who were freed from the restrictions before imposed, should prove (as they notoriously have proved) themselves unworthy of the confidence then reposed in them, and should renew their attempts against the protestant church in Ireland. If any unhappy occurrence of circumstances has prevented the literal redemption of that pledge, yet the least and lowest obligation which it can justly be understood to have imposed was, the duty of a resolute and firm resistance to every new proposition for increasing the power of so bitter, so unrelenting, and so perfidious an enemy.

V. Because, although it was declared by high authority on the second reading of the bill, that it would be unworthy of finally passing into a law, unless such amendments were introduced as should give security against the establishment of other bodies equally exclusive with those which are abolished, yet the amendments actually made not only give no such security, but do not even attempt nor profess to give it, their only object being to mitigate the acknowledged mischiefs of the measure, and in some trifling degree to limit the power with which it arms the popish democracy of the cities and towns in Ireland to tyrannise

over the protestant and more opulent classes of inhabitants, and to extort from them funds for the speedy and effectual execution of their unhallowed designs.

VI. Because, there is strong reason to believe that the final passing of the measure was the result rather of considerations of party convenience, than of any large and liberal views of national policy—none of those who had it in their power to decide on the ultimate fate of the bill venturing to pronounce it a measure either just or safe in itself, or worthy of favour on any other account, than that it put an end to a question which could no longer remain unsettled, without dividing public men, who, from the purest motives, wish to continue to act together. Thus were the gravest interests of the country forgotten in personal considerations—the end was sacrificed to the means, and the only plea which can justify the combination of statesmen, the more effectual assertion and maintenance of a great common principle, was here openly abandoned.

VII. Because the House of Lords having, since the passing of the act for the reform of the Commons' House of Parliament, been practically deprived of what was wont to be deemed its constitutional share of controul over the executive power of the crown, was yet enabled, till the present disastrous session, to retain, and to assert, its legislative independence; and,

by the wise and efficient exercise of its just privilege, or rather of its highest duty, in the correction or rejection of bad bills, had continued to earn and to enjoy the grateful veneration of the English people. That lofty position it has, in this instance, voluntarily surrendered; and has thus, by its own act, gone far towards realising the prophetic declaration of Sir Wm. Blackstone, that the constitution of England would be destroyed, and could only be destroyed, by one of the three branches of the legislature losing its constitutional weight, and submitting to the other two.

VIII. Lastly, and above all, because by this wilful and deliberate abandonment of the cause of true religion, and of the security of the church in Ireland, to which the fundamental laws of the constitution, the act of union, the oath of our sovereign, and all the most sacred duties of subjects to their ruler, and of men to their Maker alike bind us, we have provoked the justice of Almighty God, and have too much reason to apprehend the visitation of Divine vengeance for this presumptuous act of national disobedience.

H. EXETER.

ADDRESS

FROM THE CORPORATION OF DUBLIN TO THE BISHOP OF EXETER.

Be it remembered, that at a General Assembly of the Right Hon. the Lord Mayor, Sheriffs, Commons, and Citizens of the City of Dublin, held at the City Assembly House, on Monday, the tenth day of August, 1840, the following address was unanimously agreed to be presented :—

TO THE RIGHT REV. THE LORD BISHOP OF EXETER, ETC. ETC.

MY LORD,

We, the Lord Mayor, Sheriffs, Commons, and Citizens of the City of Dublin, in Common Council assembled, being the ancient, loyal, and protestant corporation of said city, beg leave to express the high sense we entertain of the uncompromising advocacy of the cause of protestantism evinced by your Lordship's steady opposition to the bill recently passed through parliament, having for its professed object the regulation of municipal corporations in Ireland.

Viewing the provisions of such bill as nothing short of legalising the transfer of municipal authority from the tried and trusty friends of British monarchy and British connexion to the avowed and convicted enemies of both—and conscious that the time neither has arrived, nor is likely to arrive, when the reasons which made it necessary to entrust protestants with some exclusive privileges, either have ceased, or will cease to exist; but that, on the contrary, there seems to us to be a greater necessity to guard those privileges with care, and be more cautious in giving an ascendancy to a religion whose object ever has been to exalt itself on the ruins of our established church—we cannot avoid expressing in the strongest terms our sentiments of distrust in the policy of such an enactment. In proportion to the feelings we entertain against this disastrous measure are those of admiration with which we have viewed the consistent and able advocacy of the protestant cause, adopted by your Lordship on all occasions.

Permit us, my Lord, in our corporate capacity, to offer to your Lordship the unfeigned expression of our gratitude and respect—gratitude for your Lordship's straightforward and powerful defence of our ancient charters—respect for the truly consistent course in religion and politics distinguishing your Lordship's career, and which must render your

name alike illustrious in the records of the church and the senate.

In testimony whereof, the common seal of said city is hereunto affixed the day and year aforesaid.

ANSWER.

Exeter, 5th September, 1840.

MY LORD MAYOR,

On my return to Exeter, after a long absence, I find the address which your Lordship, the Sheriffs, the Commons, and Citizens of Dublin, in Common Council assembled, have been pleased to vote, and to transmit to me.

In acknowledging the high honor thus conferred upon me, I feel myself under no ordinary difficulty. It is not that I am embarrassed by the too favourable manner in which my poor attempts to serve our great common cause have been estimated by you; for, at the present crisis, I should be ashamed of obtruding on you any merely personal considerations. This part of my subject, therefore, I dismiss with the unfeigned expression of my most profound gratitude.

But it is not easy to dispose of the far higher matters which are connected with the occasion, and which are characterised in the address before me, with a truth and power of expression which I should in vain attempt to equal; even these, therefore, it will be my wiser course to pass over almost in silence. Why, indeed, should I dwell on them? Can it be gratifying to any lover of his country to descant on such a portion of its history? or can I hope to make either our dangers or our duties more dear than they already are, to those whom I have the honor of addressing? No! You know, you see, you feel both the evils which exist, and those which are impending over us. You have suffered (God grant that we may not all be doomed still further to suffer) from the unhappy policy which, in spite of all the warnings of history, all the experience of the times in which we live, all the dictates of the most ordinary prudence, all the obligations which might be expected to decide the conduct of high-minded and honorable men, seeks to purchase the short-lived convenience of a party, by the sacrifice of the protestant cause in Ireland, in one of its surest and strongest holds.

At such a time the path of duty is plain—and it will, I know, be faithfully trod by you and men like you. While you will adhere more zealously—more devotedly than ever—to the church for which you suffer; you will not permit even a just indignation to urge you to

aid the efforts of the common enemy, in dismembering that empire, in which though you will no longer constitute the most powerful and most useful of all its bodies corporate, yet you will still be among the most honorable and most honored, as you are among the most loyal of its subjects.

You have this greatest of all encouragements, if you faithfully perform your part, you may rely with confidence on Him who can educe good from a lower abyss of evil than any which we have yet reached—on Him who overruleth all things to his own glory, and the lasting good of His church. May it please Him to give to that church, and to that branch of it which to human eyes may seem the most endangered, a more powerful protection than any which the wisdom of man has devised, or the folly or faithlessness of man can fling away.

I have the honor to be, my Lord Mayor, with the deepest sense of the value of the high distinction conferred upon me, your Lordship's most obliged and most humble servant,

H. EXETER.

The Rt. Hon. the Lord Mayor of Dublin.

THE END.

3 0112 099017714